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SOME LESSONS OF HISTORY¹

By General GEORGE C. MARSHALL

I approach this evening without written notes, or any special preparation, because as a matter of fact when Senator Radcliffe called me on the telephone and arranged in a matter of two minutes for me to talk to a group of the Maryland Historical Society I thought I was accepting an invitation to talk over a dinner table to a small group of members of the association. It was not until four days ago that I learned from Mrs. Marshall that I was involved in talking to a rather large assembly.² It was then too late for me to alter my plans or rather lack of plans.

I was quite pleased by Senator Radcliffe's invitation to address the Society because of my intense interest in history. My interest was a natural one in the first place. Early in life I acquired a fondness for the subject but when I came to realize the tremendous importance of a knowledge of world history to the citizens of a democracy my interest became greater. My greatest concern for some time now has been war, the most terrible pestilence of mankind. We all recognize this as a horrible disease of civilization; Americans especially, of the peoples of the world, hate war and inveigh against it, particularly after a war has been ended, but we do very little to avoid it. There must be specific causes for wars,

¹ Substance of an address by the Chief of Staff, United States Army, before the Society on the evening of June 11, 1945.

² Mrs. Marshall is a former Baltimorean—EDITOR.

and there must be a way to eliminate them. The question is, what can be done that has not been done?

Most persons, particularly those of my generation react to what has occurred in the past largely in accordance with the belief and impressions they derived from grade and high school histories. I am not referring to those who were fortunate enough to pursue advanced courses in history at college or university. I have in mind the great numbers of people with a casual secondary school knowledge of history who have unfortunately acquired much misinformation because they were taught according to the prevailing local prejudice. I recall clearly my high school beliefs concerning the Boston Massacre and my great surprise when later in life I learned the facts.

Another factor contributing to general misunderstanding is the manner in which history is taught. I came out of school with some dates in my mind—1066, for example—but without any, or certainly very little, idea of cause and effect. I had no conception of the underlying causes of the endless repetitions of wars that have plagued mankind for centuries and set us back the Lord knows how many years in our progress towards a peaceful civilization.

It has seemed to me, especially during the latter part of my 43 years of Army service, that something very definite was required beyond the casual approach to the problem we have taken heretofore. As I said before, we recognize war as a terrible pestilence, we deplore it, and inveigh against it, but we do little to determine its exact causes and to establish what might have been done to avoid war. I think that one of our most serious mistakes is that while we are in the throes of war, and immediately after the close of a war, we consider the subject of avoiding future wars in a too highly emotional and intense state of mind. Later, when that great factor of all political campaigns, the annual budget, is under consideration whatever good resolutions we have had regarding measures to avert war, whatever lessons we thought we learned in the most recent war, all are abandoned almost completely. I am speaking now from very specific knowledge.

I sailed for France—please pardon these personal references—in the last war, on the first ship of the first convoy. Eighty per cent of the men were recruits. Many had received their weapons on the trains en route to the port of embarkation. We didn't know what equipment our unit had, since it was spread over a number

of ships and had embarked hastily. I first learned the organization of this unit, the First Division, which made a famous reputation later on in that war and again in this one, from a photostat of an organizational chart which I received after we had sailed. And I was a member of the general staff of that Division. Another member of the general staff was General McNair, who was killed in this war. We examined the photostat of our organization during the voyage, but could not know whether the units on other vessels were organized or equipped as indicated on the chart. It was not until we landed in St. Nazaire, and I proceeded to check up, as the vessels docked, that I found that some of the troops had never heard of the weapons with which they were supposed to be armed. That is the way we went to the war in France in June of 1917. The Lord was good to us and so were our Allies who held the line, as in this present war, until we had an opportunity to get ourselves organized and trained.

We were very fortunate in this present war in the action of Congress — reflecting the will of the people — which gave us Selective Service more than a year in advance of Pearl Harbor. But do not forget, when you study the history of this war, the tribulations and trials the Army suffered in carrying out its preparations, the numerous attacks that were made on almost everything we attempted. Don't forget the misunderstandings of those days and what they cost us later in delays of preparation. We could not get our plans under way as rapidly as the dire emergency required even though we knew it was all but upon us.

I returned from the last war with General Pershing and spent a month with him in the Adirondacks during September and early October of 1919, studying the hearings which had been in progress before the Military Committees of Congress since the previous spring. Virtually every phase of national defense, of the peacetime character of the Army, had been treated in those hearings, which were to close with General Pershing's testimony in October. I sat with him during those hearings, during the presentation of his advice regarding the post-war Army. The Committees then worked on the draft of a bill which was debated during the spring and came to a vote in June 1920. A very respectable measure for national defense was enacted. It was a formal military policy, except that the backbone, or teeth, of the program was omitted, the training phase. There was a period from the Armis-

tice in 1918 to the summer of 1920, when everybody seemingly was aware of the tragic lessons of the war. Though Congress did not take the full measures for security advised by the Army, it did enact a very wise piece of legislation which, had it been supported by the required appropriations through the years immediately following, might possibly have prevented this present war.

The thought I should like to leave in your minds is this: within either nine or fourteen months—I might have the two periods reversed—Congress took action, through the annual budget, to cut the Army it had just authorized from 18,000 officers and 285,000 men, down to about 175,000 men and 14,000 officers; either nine or fourteen months later another cut in the military budget pared the Army down to 150,000 men; the next blow reduced the Army still further to 125,000 men about a year later, and cut the officer strength to 11,000. None of the provisions of the law of June, 1920, had been changed but the result was that the field army of the United States had nearly vanished. The only places where we still had sizable garrisons for training were in Hawaii and the Philippines and a smaller force in the Panama Canal Zone. Please remember that these governmental reactions occurred almost immediately after the wise efforts which had resulted in the Act of June, 1920. I mean to suggest by this discussion that we have to face the high probability of the same thing happening again, however much we may feel today that we have learned our lesson. I have very little faith in the accuracy of that statement I now hear so frequently: "We have learned our lesson."

It is important for us to realize how close a call this country had at several times during this war. My own embarrassment in talking in this manner is that I am naturally regarded as a prejudiced witness concerned with only one side of the picture. Although in my position I may not be able to qualify as a strictly unbiased witness, I can qualify as an expert witness regarding the military situations of this war. I know how close were the calls. I am keenly conscious of the agonizing periods through which we passed when we couldn't explain, and yet explanations were demanded; of how we suffered reverse after reverse, knowing the fault was basic and involved the fundamental failure of the people of the United States to prepare themselves against danger. I repeat

—the people of the United States and their point of view from 1920 to 1940. I felt time and again in the years of peace that our position, supported by public opinion, was untenable and I knew well what it was to mean. In a war, every week of duration adds tremendously, not only to the costs, measured by appropriations, but in casualties measured in lives and mutilation.

The struggles for existence that we had in Africa and in New Guinea, were the direct responsibility of the policies of the people of the United States in the years from 1920 to 1939.

Our history records victories. We have triumphed in each of our wars, except for those of our States who were on the Southern side in the Civil War. As a result I feel that many of our people have been misled into a feeling of false security by the teaching or talk of those in certain positions of authority or responsibility. Finally the resulting reaction misled the Japanese and tempted them into a war against us. The Japs were led to think that our young men would not fight, that they were soft and unwilling to defend their country. It was a terrible thing to advertise a disgraceful weakness—if there was such a weakness—and tempt the highwayman to try for the kill. If there is any other way of defending one's country except by force of arms, God knows I should welcome it.

The full impact of the war comes more to me, I think, in some respects than it does to anyone in this country. The daily casualty lists are mine. They arrive in a constant stream, a swelling stream, and I can't get away from them. When you feel, as I do, that they might have been avoided, it is a terrible thing to contemplate. And when you know what can happen again if some definite, practical preventive action is not taken, that all this endless horror and colossal waste may be repeated, it is even more tragic.

If we had done the things that might have been done, if we had heeded the lessons of history, I think we could have been spared the greater part of our losses.

I may be in error in this historical example. The Romans had a peace of some 250 years. The entire life of this country since the adoption of the Constitution involves little more than 150 years. Yet the number and size of our wars make quite a contrast with the famous Roman Peace. It seems we clearly could have avoided some if not all of these wars, especially since we have had the best of advice from our greatest American, George Washington, who

both as a citizen and a soldier, understood so well the people of this country and the hazards which they should guard against.

It would be a fine thing if a way were found to amplify or improve the teaching of history through the medium of the motion picture in our grammar and high schools. I believe a man with the talents of Frank Capra could present outlines of certain broad phases of history in such a manner that it would make a deep impression on the schoolboy. He did a superb job along this same line for the army. The student would acquire an understanding that would stick in his mind. Some better means of teaching the salient lessons of history to the majority of the people is an inherent necessity for a democracy. We urgently need a more effective system of instruction and I am sure the motion picture medium can be of much assistance. There is an obligation, it seems to me, to explore these possibilities, that rests on a society such as yours.

I loathe war. No one in my position could feel otherwise. I have finished my military career, but I feel that I must do my best to have us avoid a tragic repetition of our past neglect, our past failures. Situated as we are between the Atlantic and the Pacific, with all the resources and wealth we have, and with the courage of America, it would be a tragedy to civilization if we should again be blindly stupid and expose the coming generations to a repetition of this grim business. It must not be. If Americans can be brought to understand history, it will not be. * * *

[General Marshall here entered into an intimate account of various phases of the war illustrating the improvised procedure which had to be followed at times and the dangerous crises which arose from the nation's state of unpreparedness. The following excerpts from this part of his address may be quoted.]

I was asked to say something about the course of the war. You are familiar with the immediate events leading up to the cessation of hostilities in Europe, but I doubt if many of you realize the rapidity of the action. As we lived through the struggle it seemed terribly long to all of us. Our combined Intelligence Headquarters sent me the other day a map showing in solid colors on the map of Europe the progress each week beginning shortly before the landing in Normandy. What seemed so torturously slow at the time was in fact remarkably rapid. The little pin-point representing the Normandy bridgehead suddenly

blooms and spreads all over the map of France like a garden, and then comes the further expansion as the army crossed into Germany. There were the long Russian gains—showing the tremendous territory they covered. And there were the successive surges up through Italy, though we recall mostly the delays in the mountains. Out in the Pacific the successive advances covered tremendous distances in the vast reaches of that region.

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It took me some time to understand Australia. Although I am familiar with maps and was trained in making maps, it was difficult for me to appreciate the coast line distances of Australia. We found ourselves in December, 1942, faced with great difficulties of communication and transportation. We had but one American soldier in the whole of Australia, I think. Here was this country with its vast coastal perimeter, with railroads of various gauges that took you forever to go from one place to another, and with few roads and limited electric communications, judging by our standards. Our army and supplies were being dumped on that continent without previous preparation. I selected an officer in whom I had great confidence and told him to drop his work within the hour and prepare to leave for Australia. I instructed him to select about fifty men, experts in transportation, communication, port operation, and all the services of supply, and be ready to leave for Australia in ten days. He left in eleven days with the fifty men, civilians, picked for their various qualifications from all over the United States. I was trying to capitalize on the initiative and talents of America. Congress provided funds—and in doing so they gave me a fine vote of confidence, first by placing twenty-five million dollars and later one hundred twenty-five million dollars at my complete disposal. On two days' notice I started Mr. Hurley off for Australia with some of this money to expedite the blockade running of supplies to MacArthur. The Japanese had reached Borneo. I then discovered that checks were not acceptable to prospective blockade runners. Those hard-bitten men wanted cash on the barrel for their families and for themselves. Our funds were in the bank at Melbourne several thousand miles away. I had to find some way to get cash in a hurry to the Celebes, Java, and Northwestern Australia. I managed this by

loading lots of \$250,000 each in bombers enroute across Africa, Arabia and India.

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It was necessary to occupy Iceland before the Germans could beat us to that strategical post for guarding and controlling convoy movements. The laws then on the books introduced all sorts of complications; we couldn't use this man because the law prohibited for one reason, and we couldn't use that man because of still another legal restriction. There were various provisos regarding reserve officers, this one could go and that one could not; this private could go, that one could not. We dismantled sixteen companies to organize one small quartermaster company for service in Iceland. We shook the entire regular army and emasculated it to provide instructors and cadres for other units. We had to send overseas National Guard units that were only partially trained. We did our best under the appalling circumstances of unpreparedness. That's another example of the way we went to war.

I am sure people do not realize how close we came to catastrophe. Shortages of personnel forced us to strip division after division that we had trained. This drove the division commanders to strenuous protests. Just as those new units were reaching an excellent standard of efficiency, we would rip them to pieces in order to provide men as replacements for the growing battles overseas. We lacked sufficient replacements because deliveries from Selective Service were short in terms of a hundred thousand or more. We were confronted with a terrible problem for which the armies in the field paid the price, but we finally got things straightened out. We screened every non-combatant unit here and abroad, going through them like a sieve, to get men to be converted into infantrymen, and incidentally, I think I heard from the mothers of most of these men who were taken from other branches of the service, and from every father whose son I was forced to take out of college. After all these struggles, the last division to reach France landed there April 1, and the end came on May 8. We had just enough and no more, and it all went in.

The interesting part of this was that just as we got the great European army completed, we started to dismantle it within two

weeks of the time it had reached it peak. That's about as rapidly as such large matters can be handled or as close a computation as one can make. We had a close squeak with the enemy. I am a little afraid that in the tremendous emotional rejoicing over the victory and the cessation of the tragic daily lists of casualties, we shall forget almost completely the lessons of that early struggle, and that we shall forget also the special conditions which made it possible for us to carry through to a successful finish.

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Then there is the matter of our international dealing. It is very, very important to understand the other man's point of view. I am talking now about the British, the French, the Russians. You may disagree with everything they contend, for that is a perfectly normal expression of human and racial differences. You have disagreements in your own State, towns, counties, cities. But, however much you disagree, if you understand the other man's point of view you can usually work out a reasonable adjustment.

I secured the permission of the British—and they were very loath at first to give it to me—to show the members of Congress what was going on in England. I showed them a chart giving the V-bomb strikes on the metropolitan district of London. Each bomb was represented by a dot—a very small dot—yet you could hardly make out the great metropolitan district for the multitude of those black dots. Fifty per cent of the houses had been destroyed or badly damaged, and the casualties had mounted to 70,000 since June 10, 1944. The point I was trying to make was this: every speech in Parliament, every statement by men in British public life and most of the newspapers of England were, in effect, delivered from the rostrum of that suffering city. Though practically no reference was made by them to the bombing, yet the views of the individual or paper were naturally colored by the surrounding destruction. At this very time, the front pages of our papers carried large headlines regarding the "tragic loss of life" in the Mid-West from floods, eight or ten lives, as I recall. England was silent, stoically silent. The enemy was not to know of his success and the English accepted their tragedy in silence. But the man speaking from that rostrum would inevitably have a somewhat different point of view from the man

who voiced his international policies or criticisms from the peaceful rostrum of Washington or New York.

What is going on now in San Francisco, and what comes next, makes it especially important historically to understand the other fellow's point of view. I seem during the past three years to have spent most of my time disagreeing, but I have made a very conscious effort to understand the background of the other fellow's situation before voicing my disagreements.

Somehow or other these different points of view must be merged. I know no other way than by a thorough knowledge of the lessons—not the specific dates—of history. My present interests are centered in two things, the early completion of this war and the measures this country will take to avoid future wars.

GERMAN PRISONERS IN THE AMERICAN REVOLUTION

By LUCY LEIGH BOWIE

Once before in our history the United States has been burdened with a number of German prisoners. These were the (so called) Hessians taken in the War of the American Revolution.¹ Probably they were then, in proportion to our wealth, size, population and resources, a heavier responsibility than Nazi prisoners are at the present time.

The first large concentration of prisoners was at Lancaster, Pa. Later they were sent to various places more remote from the theater of war. Log barracks within a stockade with block houses could be built at a short notice anywhere, but consideration had to be given to the question of sending prisoners to widely scattered positions, for the militia who were to guard the prisoners did not care to serve their tour of duty in the wilderness. Carlisle, Pa., was the central base of supplies for the western country and it was soon demonstrated that Frederick, Md., and Winchester, Va., were the most convenient places for locating the prisoners. They were later spread to Charlottesville, Staunton, and Warm Springs in Berkeley County, Va. Smaller quotas of prisoners were also located at Mt. Hope, N. J., Bethlehem, Pa., Rutland, Mass., and New Windsor, Conn. Not all of these were Germans and few prisoners remained stationary. The ebb and flow of the British and Hessian prisoners between these places will be shown later.²

The regulations governing the prison camps appear to have been worked out at Lancaster, Pa., in connection with the first large group of prisoners captured at Trenton. As new camps were formed these instructions were sent with the prisoners to

¹ The German states which sent troops to the American War were Brunswick, Hesse-Cassel, Hesse-Hanau, Anspach-Bayreuth, Waldeck and Anhalt-Zerbst.

² Cf. Board of War Reports and Letters, series 147 and 148. Papers of the Continental Congress, Library of Congress.

each new Commissioner of Prisoners. A staff consisting of a barracks master, quartermaster, wagon master, forage master and surgeon was provided for.³ The guard was to be furnished by state militia with two companies on a two-months' tour of duty. From these the officer of the day was to be selected. To preserve order and regularity among the prisoner troops, two officers of each captured regiment were to reside constantly at the barracks. The junior officers took this duty in rotation. American sentries were posted and a guard was kept in readiness to prevent disorder.⁴ The officers were on parole, as was the custom. They could commute their rations, which amounted to two dollars a week (the same amount the British allowed captured officers). Each field officer was allowed three soldiers for servants, captains two soldiers as servants and subalterns one. Their allowance for support was the same.⁵ There was always difficulty in connection with feeding the prisoners and it was suggested that if they were hired out, it would save rations.⁶ Sometimes this was allowed and sometimes forbidden, depending upon how recently the report from our prisoners in the hands of the British had been received. The English Captain Anbury considered that "the Americans show more indulgence to the Germans, permitting them to go round the country to labor, and being for the most part expert handicrafts, they realize a great deal of money exclusive of their pay."⁷ When hired out, Congress paid the prisoners in money the value of their rations and farmers gave them their meals and pay besides. The wages for an ordinary laborer were seven dollars and a half a month. The person who hired them was responsible for them and was required to pay Congress two hundred dollars if one deserted; and there is a record of this security being as high as a thousand pounds in the case of an expert wheelwright.⁸ It was said that never was an army as well paid as the Hessians.

³ *Bland Papers*, edited by Charles Campbell (Petersburg, Va., 1840), I, 158-159 (Appendix J).

⁴ *Ibid.*, II, 27, 28.

⁵ Rawlings MSS. Maryland Historical Society, *et al.* See Note 22.

⁶ Rawlings MSS. Richard Peters, secretary of the Board of War, to Rawlings, Dec. 28, 1779.

⁷ Thomas Anbury, *Travels through the Interior Parts of America* (London, 1789), II, 440-441.

⁸ *Exiles in Virginia* (Phila., 1848) p. 160. Max von Eelking, *German Allied Troops in the North American War of Independence*, translated by J. G. Rosengarten (Albany, 1893), p. 83. *Bland Papers*, II, 26. For details of wealth accumulated by the Hessian Army, see J. G. Rosengarten, *A Defence of the Hessians* (Phila., 1899), pp. 8, 20.

In regard to the treatment of prisoners, General Washington's instructions were these: "While I do not wish you to show them unnecessary rigor, I wish you to be extremely cautious not to grant any unnecessary indulgences."⁹

The first prisoners taken in large numbers were from the battles of Trenton and Princeton.¹⁰ Nine hundred and eighteen were captured at Trenton; before the campaign was over the number had risen to over two thousand. Those from Princeton were for the most part English and Scotch, while those from Trenton were Germans. These last had earned an infamous reputation on their march through the Jerseys: rapine and plunder seemed their first object. Tories and patriots were robbed without discrimination. The German soldiers claimed they had been given the "right of plunder" by the British government. Consequently General Howe could do nothing to remedy the situation.¹¹

Following the loss of Fort Mifflin, N. Y., late in November 1776, the Continental Army had retreated through New Jersey and crossed the Delaware late in December. This was a season of black despair to loyal Americans. No one dreamed that the army could recross the Delaware and attack the Hessian troops at Trenton on Christmas. People could not believe the news when it was reported. However, seeing was believing. When Washington marched his prisoners through Philadelphia en route to Lancaster where they were to be imprisoned, people thronged the way to see these "terrible beings" who had to endure the "hootings and revilings" of the multitude.¹²

At Lancaster they were housed in barracks within a high stockade of the usual type, that is, surrounded by a trench, a blockhouse at each corner with a central gate for general use. Upon their arrival a return was made of those who had skilled trades. They included weavers, tailors, shoemakers, stocking-makers, millers, bakers, butchers, carpenters, joiners, smiths and plasterers.¹³ These numbered 815 of those captured. As craftsmen were in great demand, by March, 1777, the American authorities allowed them to be

⁹ *Bland Papers*, II, 29.

¹⁰ Washington's Return of prisoners taken at Trenton, from William S. Stryker, *Battles of Trenton and Princeton* (Boston, 1898), pp. 386, 472.

¹¹ [Samuel A. Harrison] *Memoir of Lieut. Col. Tench Tilghman* (Albany, 1876), p. 140.

¹² Washington Irving, *Life of George Washington* (N. Y., 1855-1859), II, 491. Stryker, *op. cit.*, p. 213.

¹³ Stryker, *op. cit.*, p. 196. This list was made January 10, 1777.

hired out in the Lancaster area. Thirty were selected by a forge and iron foundry at Mt. Hope, N. J., to make cannon and shot for the American Army, and at one time a group of Scotsmen was hired by President Witherspoon of Princeton who was a fellow Scot.¹⁴

The captured officers were entertained by the Continental officers at dinner, as was the custom of that period. They were then marched under guard, commanded by Captain Farmer of the Pennsylvania Riflemen, to Baltimore and delivered to the Continental Congress which was in session there. Congress ordered them to be quartered at Dumfries, Va., which was then a thriving tobacco port at the mouth of the Quantico River.¹⁵ They were given their parole and enjoyed the society of the neighborhood.

In August 1777 the British fleet with transports of the British Army entered the Chesapeake Bay. Washington considered that possibly one of their objects might be to rescue the captured troops, so Col. Atlee, who was in charge at Lancaster, was instructed that should General Howe's army land at Head of Elk, he was immediately to transfer all prisoners to Reading, Pa.¹⁶ The British did land at Head of Elk. On Sunday, August 24, the bellman went around the town of Lancaster calling upon all inhabitants who had hired Hessian prisoners to take them to the barracks and receive receipts for them.¹⁷

As the prisoners numbered about two thousand, the town of Reading was in no condition to safely house them upon immediate notice. They were accordingly scattered. Three hundred and sixty-five were sent to Carlisle, three hundred and thirty were lodged at Salem Church, Lebanon, Pa. Seven hundred and forty were quartered within a few days in the Moravian Church at Hebron, Pa., and, according to the diary of the Rev. Peter Bader, a very obstreperous and disorderly lot they were.¹⁸

After the battles of Germantown and Whitemarsh, the British

¹⁴ Board of War Reports, Series 147, II, No. 515, Library of Congress.

¹⁵ Stryker, *op. cit.*, p. 214.

¹⁶ War Dept. Archives, Class A, Board of War Papers. Library of Congress. Records in the Division of Manuscripts, Library of Congress, were very inadequately examined as most of them had been removed to places of safety because of the war. L. L. B.

¹⁷ *Passages from the Diary of Christopher Marshall Kept in Philadelphia and Lancaster during the American Revolution* (Phila., 1849). See entry for Aug. 24, 1777.

¹⁸ *Ibid.*, entries for Aug. 25, 27, and 28, 1777. See also P. C. Croll, *Ancient and Historic Landmarks in the Lebanon Valley* (Phila., 1895).

army continued the march towards Reading and threatened Lebanon. It was then necessary to evacuate all prisoners from the battle zone. Three hundred prisoners were sent to Winchester, Va., where their arrival was entirely unexpected. The Continental officer who rode ahead to arrange for their reception reached the town only a day before their arrival. These prisoners were fortunately an orderly group and were immediately hired out to the country people to make room for 300 English and Scotch prisoners who arrived three days later.¹⁹ These were housed in Fort Loudoun which was in poor condition. Log barracks had to be hastily thrown up within the enclosure for their accommodation.

In all, about 2,000 prisoners were sent to Virginia and Maryland. The next place to be filled with them was the old stone barracks at Frederick, Md.,²⁰ which became so crowded that the overflow was housed wherever strongholds, such as stone barns and the like, could be found in Frederick and Washington Counties. To relieve this congestion the Maryland Council decided to repair Fort Frederick in Washington County. It would require a good deal of work to put the quarters there in order to receive prisoners. Doors, windows, and floors were required. No time was to be lost and it needed only to be done in a rough way.²¹ Col. Moses Rawlings, a hero of the battle of Fort Washington, N. Y., was placed in charge and his regiment went on guard duty.²² The few prisoners who were placed there in 1779 were

¹⁹ *Exiles in Virginia*, pp. 144, 160, 174.

²⁰ These barracks are still much in their original condition and open to the public. For their history, see Lucy Leigh Bowie, *The Ancient Barracks at Fredericktown* (Frederick, 1939).

²¹ *Archives of Maryland*, XVI, 439, 443.

²² Rawlings was commissioned Lieutenant Colonel of a Maryland Rifle Regiment July 1, 1776. Upon the death of its colonel, the command devolved upon Lieut. Col. Rawlings. At this time the regiment formed a part of the garrison of Fort Washington, N. Y. When it was attacked by General Sir William Howe on November 16, 1776, the Maryland riflemen behaved with splendid courage. More than half of the 900 British casualties were inflicted by Rawlings' riflemen. William Gordon (*History of the Rise, Progress and Establishment of the Independence of the United States*, N. Y., 1789) says it cost Knyphausen "near upon eight hundred men" to force the single regiment of Rawlings back. The American garrison was made prisoner at the fort and Col. Rawlings was confined in a hulk in New York harbor. He suffered the inhuman treatment that was inflicted upon the American prisoners but made his escape. In March, 1778, he was placed in charge of Fort Frederick, which is located in Washington County near Col. Rawlings' home at Old Town, where his family had settled before the Revolution. Later he removed to Virginia and died in Hampshire County in 1809. A collection of his papers was presented in 1944 to the Maryland Historical Society by his great grandson, Mr. Lloyd Rawlings, of Cumberland, Maryland. The contents of these papers aroused interest in the subject of German prisoners, and led to this study, which has been prepared at the editor's request.

hired to work at their trades and to cut wood for the barracks master; others were hired to work at iron and salt works and farm hands thrashed wheat to supply the French fleet.²³

The first division of prisoners sent to Fort Frederick was in January 1780. It numbered 280 men. They also could be hired to work on construction. Not many of them could have done so for when 800 German Convention prisoners were sent to Fort Frederick in December 1780, Col. Rawlings reported a lack of food and the barracks in a bad condition. It was not until the following June that it was ready to receive the remaining Hessian prisoners from Charlottesville, who were escorted to Fort Frederick by General Morgan with a guard of 400 militia. In October, 1781, Col. Rawlings reported that the rank and file at Fort Frederick numbered 5,953 with 750 officers.²⁴

The British surrender at Saratoga was followed by the inevitable dinner to the captured officers and the fellowship established was so cordial that Gen. Gates allowed Gen. Burgoyne to write his own terms of surrender. These authorized the entire army to be returned to England and with that object in view they were marched to Boston as the port of embarkation. Congress ratified the terms of this "Convention" but would not allow the troops to leave the country until the British government also would ratify them. The British government refused to recognize Congress as a lawful body, so the army was held and Burgoyne alone was allowed to sail for Europe.

This put the troops in a very bitter mood and they charged Congress with "perfidy." Under such circumstances there could be no harmony between the prisoners and their guards. Also the British troops were "regulars" and viewed all conduct from a strictly professional military point of view, while the American army was entirely civilian and knew little or nothing of military etiquette, so friction and misunderstanding developed at every point²⁵ and relief was mutual when Massachusetts decided her resources had been so strained that she could no longer furnish provisions to support these prisoners. It was then decided to send them to Charlottesville, Va. This part of the country was remote

²³ Board of War Reports, Series 147, II, No. 515, Library of Congress.

²⁴ Rawlings MSS, Maryland Historical Society. James Graham, *Life of General Daniel Morgan* (Cincinnati, 1856), p. 382.

²⁵ For American viewpoint, see *Memoirs of Major General [William] Heath* (Boston, 1798). For British viewpoint, see *Anbury's Travels*.

from the battle zone, extremely healthy and fertile and the additional fertile lands of Pennsylvania and Maryland were within easy access by main-traveled roads. The number of prisoners surrendered by Burgoyne's army at Saratoga was a total of 2,442 British and 2,198 Germans, but so many deserted to the British in New York that only 2,340 British and 1,949 Germans left Boston for the south.²⁶

The march to Virginia was to be made in five divisions. The first was to have been put in motion November 4, 1778, the others to follow at convenient intervals. The march was regulated and conducted by Col. Theodorick Bland²⁷ of the Continental Army with a staff of officers as assistants. The prisoners were to avoid large towns. As they passed through each State, they were to be guarded by the militia of that State, with the exception of New Jersey. Washington feared the British in New York might attempt their recapture, so moved his army into the middle of that State, detached Continental troops to meet the prisoners at Fishkill, and to each brigade of prisoners had as guard a brigade of armed Continentals who marched them in close columns to the Delaware.²⁸ They had, however, three days' rest at Walmsy's Tavern at Pompton, New Jersey, where the British paymaster made a most welcome appearance.²⁹

From Sherrard's Ferry on the Delaware, the route was to Wright's Ferry on the Susquehannah, down the old Monocacy Trail through Frederick Town to Noland's Ferry on the Potomac, through Leesburg, Va., on to Charlottesville. The second division reached Frederick on Christmas Eve. The officers were entertained by the Commissary of prisoners, Mr. M' Murdo, in the good old English fashion, while the soldiers enjoyed the bounty of the season with

²⁶ Francis J. Hudleston, *Gentleman Johnny Burgoyne* (Indianapolis, 1927), pp. 226, 298. The author is Librarian of the British War Office.

²⁷ *Bland Papers*, I, 106-7. Col. Theodorick Bland was born 1742 in Prince George County, Va. He led volunteers in opposing Gov. Lord Dunmore; published political letters over the signature of "Cassius"; was captain of 1st Troop of Virginia Cavalry, Continental army; became Lieutenant Colonel in 1777; escorted Convention prisoners to Charlottesville 1778 and became Commissioner of Prisoners there upon the resignation of Col. Harvie in March, 1779. He was a member of the Continental Congress 1780-83; appointed Lieutenant of Prince George County, Va., 1785; a member of the Virginia Convention but voted against the ratification of the Constitution. He was elected to Congress after its ratification and died while serving his term in New York, June, 1790.

²⁸ Anbury, II, 264-5.

²⁹ J. F. Tuttle, *Annals of Morris County, N. J.* (1882), p. 57. Anbury, *op. cit.*, II, 271.

the prisoners who were at the barracks. On the 26th came a blinding snowstorm, but this division was obliged to march on the 27th as Gen. Von Riedesel with his Germans would reach Frederick either that day or the next. The road to the ferry was cleared for them but the Potomac was in flood and filled with floating ice, which made the crossing difficult and they were obliged that night to bivouack in the snow.³⁰ On reaching Charlottesville they found the camps in an unfinished condition and that the First Division had taken possession of every place that was habitable. The men were obliged to find shelter as best they could while the officers on parole had to go as far as twenty miles for accommodations. It is stated that on their arrival between vexation and keeping out the cold, the officers drank freely of "an abominable liquor called peach brandy, which if drunk to excess, the fumes raise an absolute delirium"³¹ and in their cups no less than six or seven duels they fought within a few days. The Hessian officers had their own method of fighting these duels. Each party went to the field with a second. After stripping to the shirt they advanced to shake hands, then they cut and slashed at each other; with the least appearance of blood the conflict was over and courage and honor had been vindicated.³²

Although the quarters and barracks had not been erected, tools and materials were in abundance and the soldiers went to work with a will and soon a city with regular streets was built. Eventually most of the officers preferred quarters within the camp. Cabins could be built as desired. Coffee rooms, with billiard tables, were established, gardens were planted and pets were acquired. For those soldiers who desired to desert and return to the British army in New York a system with *sub rosa* recommendations from the officers was devised and, to their expressed satisfaction, running successfully. Living conditions had settled into a comfortable routine³³ for the duration, when to their great indignation they were summarily removed from Charlottesville to Winchester. The defeat of the American army at Camden had left Virginia wide open to invasion and a rescue of the Convention prisoners by the British was feared.

³⁰ Max von Eelking, *Memoirs of Major von Riedesel* (1868), p. 45. See also Anbury, II, 315-6.

³¹ Anbury, II, 319-20.

³² *Ibid.*, 453.

³³ *Ibid.*, 438-9.

It was intended to locate the Convention prisoners in either Maryland or Pennsylvania, but Pennsylvania protested that she was already supporting her quota and Maryland absolutely refused to allow these prisoners to enter the State. The support of such a large body of men in addition to the prisoners already there would greatly distress the inhabitants of such a small State and Maryland was actually in arms to oppose their crossing the Potomac.³⁴ None of the states wanted the entire support of these additional prisoners and it was eventually decided that supplies were to be drawn from Pennsylvania, only west of the Susquehannah, and from that part of Maryland that lies on the head water of the Potomac and that part of Virginia which is remote from navigation of the James and Potomac Rivers. A magazine was to be formed at Frederick Town and the Commissioner General of Purchases could call on the States of Maryland, Pennsylvania and Virginia for provisions. All provisions were to be justly proportioned in each of the said states.³⁵

With this adjustment made, the British troops were sent to Frederick Town and the Germans to Fort Frederick. The officers were again on parole, but were under control of the Commissioner of Prisoners, Col. William Beatty at Frederick Town and Col. Moses Rawlings at Fort Frederick. They could live where they pleased and come and go as they pleased within a restricted area. They secured quarters in the best houses in these locations. Continental money had so depreciated, it was stated that even those who were best off were glad to get possession of good hard English gold.³⁶ The Convention prisoners remained in Maryland until September 1781 when officers were sent to New Windsor, Connecticut, and the soldiers to the barracks in Lancaster, Pa. The reason given was that their food supplies were needed for the army in the south,³⁷ for Washington and Rochambeau had by that time embarked upon the campaign against Cornwallis in Virginia which ended in the surrender at Yorktown.

At Yorktown, in spite of victory, the days were not happy ones for Washington and his officers. The French considered that never before had the Americans seen a properly organized and

³⁴ *Ibid.*, 465-6.

³⁵ Board of War Reports, Series 147, V, Nos. 9 and 13, Library of Congress.

³⁶ Anbury, II, 494.

³⁷ Board of War Reports, Series 148, I, No. 379, Library of Congress. Anbury, II, 502.

equipped army. The fact that when each stormed a redoubt, the Americans carried their position first made no lasting impression; doubtless due to the unconventionality of the American method. As to the British prisoners, their attitude towards their American captors was one of thinly veiled insolence and "the sang-froid and even the gayety of these gentlemen amazed me" was the comment of a French officer. "I could not understand that on the very day after such a catastrophe as had happened to them, they could forget it."³⁸ In fact, not an officer in the British army seemed to have comprehended what England lost by their surrender.

The captured British and Hessian armies were at once removed from the vicinity of Yorktown and temporarily quartered in the camp of log barracks in a thick woods at Winchester, Va., that had been vacated by the Convention troops. On January 26, 1782, a part of the English troops were sent to Lancaster, Pa., and the Germans were sent to the old stone barracks at Frederick Town, Md. The officers were on parole, as was the custom. There they remained until after peace was signed in 1783.³⁹

After the Hessian prisoners came to Maryland, Col. Charles Beatty, who was Lieutenant of Frederick county and in charge of them, wrote to the Maryland Council, February 1778, that "part of them were well behaved—part turbulent." If the well behaved could be hired out, he could better manage the turbulent. He had great trouble with the last party that came to this place. This was after about a hundred prisoners attempted to escape by setting fire to the new and very superior log jail that had been erected in Frederick Town to house prisoners of the better class. The fire was extinguished, repairs made; when the prisoners were returned to the jail, they were warned that should they attempt any such action again they would be driven back into the burning building and allowed to perish in the flames.⁴⁰ Col. Beatty's plan to separate the manageable from the unmanageable prisoners was refused by order of Elias Boudinot, Commissary General of Prisoners; and it is believed that after this all of those prisoners who by their defiance of authority proved ungovernable were sent to what has

³⁸ Stephen Bonsal, *When the French Were Here* (Garden City, N. Y., 1945), pp. 167-8.

³⁹ Eelking, *German Allied Troops*, p. 217. *Popp's Journal; 1777-1783*, translated . . . by J. G. Rosengarten (Phila., 1902), pp. 24-27.

⁴⁰ John T. Scharf, *History of Western Maryland* (Phila., 1882), I, 141 note.



FORT FREDERICK, WASHINGTON COUNTY, MD.

Erected in 1756 by the Maryland Assembly for defense against the French and the Indians. Restored 1935-37. Adapted from a drawing made by Brantz Mayer in 1858.



HESSIAN BARRACKS AT FREDERICK

In original condition. The building is now a museum on the grounds of the Maryland School for the Deaf. Photo courtesy of Dr. Ignatius Bjorlee, Superintendent.

since been known as the Hessian Guard House at Carlisle, Pa.⁴¹ It was built in 1777 for a powder magazine and its brick walls and ceilings made it fire-proof. After this there is found no further complaint of unmanageable prisoners in the camps. In fact when a Virginia officer preferred charges against Gen. Morgan to the War Board for "unjust and unauthorized treatment to the 'Dutch prisoners'," some of the prisoners made affidavits that exonerated him.⁴²

Complaints against the Americans by the prisoners were to be expected. It is surprising that a greater number have not been found. The officers usually complained of restrictions. The men complained of living conditions and food supplies, and in one case of corporal punishment.⁴³ The most drastic punishment by the Americans of a prisoner that has been found recorded is that of the acting Lieutenant Governor of Detroit captured at Fort Vincennes and sent under guard to Williamsburg. The Virginia Council found him guilty of cruelty in exciting the Indians to barbarous treatment of the Americans and advised that he be put in irons, confined to the dungeon of the public jail, debarred of the use of pen, ink and paper, and excluded from all conversation except with the keeper. These instructions were executed by Gov. Jefferson, and the punishment ordered was intentionally harsh as an act of retaliation. The Virginians were wholly uncomfortable in inflicting it and a feeling of relief was evident when the prisoner was given his parole a year later (1780) and he joined the British in New York.⁴⁴

After the first exchange of prisoners, Washington was not enthusiastic about continuing the practice and probably only continued to do so as an act of humanity. The prisoners returned to the British were healthy and vigorous with long term enlistments

⁴¹ It is believed that after this all prisoners who proved uncontrollable were sent to the Hessian Guard House at Carlisle, Pa. They were certainly segregated, the only question is where. Carlisle is the only place that fills the conditions that would have been necessary. It was constructed on the same lines as the then new jail at Philadelphia. As a base of supplies it was in constant and direct communication with the entire area wherein prisoners were concentrated and a garrison was always at hand to quell any disturbances. This building has been called the Hessian Guard House by the local population without change or variation since the Revolutionary period.

⁴² Thomas K. Cartmell, *Shenandoah Valley Pioneers and Their Descendants* (Winchester, 1909), p. 271.

⁴³ Board of War Reports, Series 147, II, No. 599, 611, Library of Congress.

⁴⁴ John D. Burk, *History of Virginia* (Petersburg, Va., 1804-16), IV, 353. Thomas Jefferson, *Writings* (Phila., 1869-71), I, 231-2, 237, 258, 267.

to serve while those we received in exchange had enlisted for short terms, but under the circumstances this was of no importance, for on their discharge, they were so weak and emaciated as to be unfit for further service.⁴⁵ They had been vilely treated in the prison hulks and sugar houses in New York. The British Commissioner General of Prisoners, Col. Joshua Loring, was a brutal and avaricious man, appeasing his personal humiliation at the expense of the American prisoners who were in his power and, however cruel his conduct might be, Gen. Howe was not in a position where he could reprimand him.

There were about a hundred German prisoners in the first exchange, but their chances of selection for exchange after that was lessened by their own home governments. "The Duke of Brunswick hoped the British government would not for one moment dream of having the German prisoners exchanged and sent back to Germany. It would have a most unpleasant effect and create an unfortunate situation." The British paid thirty marks for each German recruit. If they were killed, wounded or captured the German rulers received another thirty marks. If they deserted they got nothing. The Landgrave of Hesse complained bitterly that a certain regiment had not lost a man. "His Hessians must remember they were Hessians and fight to the last man."⁴⁶

The various officers who had surrendered were quartered in the towns and on the plantations around them. They received "the polite behavior that was truly the mark of a gentleman and men of the world." They also found that, as they had been told, the further south they went, they encountered more liberality and hospitality.⁴⁷ These enemy officers on parole made a dashing appearance with their brilliant uniforms, spirited horses, soldier servants and were popular socially. There was a direct road from the Potomac River ferries to Wrights Ferry, Pa. This road passed through the town of York which became a gay capital when Congress convened there. Paroles could be temporarily extended so that idle young officers with time hanging heavy on their hands might take in society events. Alexander Graydon gives us a

⁴⁵ Board of War Reports, Series 147, I, 445, 448-51, Library of Congress. *Diary of Christopher Marshall*, entry for Oct. 3, 1778.

⁴⁶ *Hudleston*, p. 125.

⁴⁷ *Anbury*, II, 313-4.

glimpse of these gayeties. In his *Memoirs* he tells of the growing popularity of Hessian officers and of the new dance called Burgoyne's Surrender, which captured officers said Burgoyne himself would have enjoyed dancing.⁴⁸ There were constant balls and assemblies, "where it is said cards were played at \$100 a game."⁴⁹ The popularity of the officers of the British armies with the young ladies throughout this area where the prisoners were located was called the "Scarlet Fever." One of them was asked by a prisoner what the ladies would do when the enemy officers returned to Europe. Her answer was that they would then worship the "Blue Devils."⁵⁰ An extenuating circumstance for these girls was that all the young men in those localities had gone to the war, for prisoners were only located in intensely patriotic communities.

All things change and this popularity, which had no depth to it, melted away. Its loss in Maryland came with the news of Gen. Greene's defeats in the Carolinas. The Maryland line was extensively engaged there under such leaders as John Eager Howard, Otho Holland Williams and others, and their losses were heavy in proportion to their numbers. So severe were the Maryland casualties in this campaign that Washington commented upon them. The most prominent of the younger officers killed was Capt. William Beatty,⁵¹ son of Col. William Beatty, the Commissioner of Prisoners. He was very popular and had returned home many times as a successful recruiting officer. Grief was widespread through the entire neighborhood, and the sight of a red coat was an unpleasant reminder of this defeat and its sad consequences.

The captive officers resented the fact that the fortunes of war many miles away should cause them to be unwelcome in the patriotic families where they had been made welcome before, so their attitude also changed and they made themselves as disagreeable as they dared. When riding out, at the sight of a countryman, they would sweep down upon him at a rapid pace and force him off the road. They would also ride out in the early mornings

⁴⁸ *Memoirs of a Life Passed Chiefly in Pennsylvania* (Harrisburg, 1811).

⁴⁹ *Diary of Christopher Marshall*, entry for March 4, 1778.

⁵⁰ The uniform of the American officers was blue with buff facings.

⁵¹ Anbury, II, 500. George Bancroft, *History of the United States*, V, 403 (rev. ed., N. Y., 1876). See also Henry Lee, *Memoir of the War in the Southern Department* (N. Y., 1869); Scharf, *op. cit.*, I, 458. Maryland Historical Society has Beatty's manuscript, diary and letters to his father.

to meet the farmers' daughters bringing produce to the market and would stop them, pinch their cheeks, chuck them under the chin and take a kiss or two; all the while complimenting them in the unrestrained language in which the eighteenth century permitted gentlemen to express admiration for "country wenches." The girls did not respond in accordance with Fielding, Goldsmith and Sterne, but considered their advances insults and told their fathers and brothers, who hotly resented such offensive behavior.⁵² The tension was not relieved until these officers were removed.

Dunlap claims in his *History of the American Theatre* that professional music was brought to the United States by the British army. The first band of music to be prominently mentioned was the Hessian Band at Trenton. Col. Rall, who was in command there, was enthusiastic over it. "The music! That was the thing! The hautboy—he could never get enough of them." The guards were released at two o'clock and the pickets at four. Headquarters were opposite the English church and officers with his men and musicians must march around it and Col. Rall never missed a parade.⁵³ After the battle an American officer expressed delight at having captured "a complete band of musick." This band was not sent to Lancaster with the other prisoners but was kept in Philadelphia where Congress was sitting.

The flag of the United States was adopted on June 14, 1777, and July 4 of that year was the first anniversary of the signing of the Declaration of Independence. There was a gala celebration in honor of that event. Bells rang all day and all the evening. At noon armed ships and galleys were drawn up before the city gay with the new flag flying. "At one o'clock the yards being manned, they severally fired thirteen guns. At three o'clock an elegant dinner was given to Congress, the civil and military officers, etc. "'Our Country' was on the lips of everyone." "The Hessian Band played some fine music." Another account states "The Hessian band, captured at Trenton, played excellent music." The celebration ended with a parade, bonfires, fireworks and a general illumination. Thus on July 4, 1777, occurred three notable first occasions. It was the first anniversary celebration of the Declaration of Independence. It was the first time the United

⁵² Scharf, *op. cit.*, I, 458, note.

⁵³ Stryker, *op. cit.*, p. 199.

States flag was ever flown and the first time a band of music had played at an official American function.⁵⁴

When Congress was forced by the advance of the British to leave Philadelphia and convened in York, Pa., the Hessian Band was taken with them and while there was in constant demand for balls and parties of all sorts. They were paid fifteen pounds for each night's performance and their parole covered a wide latitude. This continued until Congress left York when the band was sent to join the other prisoners at Frederick Town. They continued in great demand and established a wide reputation. They played at the dinner and ball that was the first to celebrate the peace treaty between Great Britain and the United States. This was on April 6, 1783, at Rockville, Md. Frederick Town had a more elaborate celebration on April 23 and the fireworks that were displayed at nine p. m. on that occasion were made by the Hessian "cannoneers" at the barracks.⁵⁵

The reputation of the Hessian Band had by this time become so widespread that Adam Lindsay, the financial manager of the popular New Theatre in Baltimore, asked James McHenry for a letter to General Washington requesting that the Hessian Band at Frederick Town be paroled to Baltimore where he would employ them on a salary. Washington referred this request to the Secretary of War but added he had no doubt of his acquiescence. However, the declaration of peace put an end to further negotiations.⁵⁶

In the middle of April, 1783, notices appeared in the newspapers, signed by Gen. Lincoln, which instructed all prisoners who were permitted to work for the inhabitants of the United States to join their respective corps immediately. After this a constant stream of prisoners passed through Frederick Town en route for embarkation at New York. The British prisoners marched to Baltimore and sailed to New York in May, 1783. The Germans marched later, following the route by which they had come, up the old Monocacy trail to Wrightsville and across Pennsylvania

⁵⁴ Bancroft, *op. cit.*, V, 569. John F. Watson, *Annals of Philadelphia* (Phila., 1870), II, 295.

⁵⁵ *Diary of Christopher Marshall*, entries for Jan. 31, Feb. 10, 21, March 4, 6, 1778; *Popp's Journal*, p. 27.

⁵⁶ Bernard C. Steiner, *Life and Correspondence of James McHenry* (Cleveland, 1907), p. 43.

and New Jersey to New Work.⁵⁷ By November all enemies had left the country.

Those who desired to remain could do so by "paying eighty Spanish milled dollars to ransom themselves."⁵⁸ It is not known how many did so, for they became entirely Americanized and their descendants are now numbered with the "old American" population.

⁵⁷ Scharf, *op. cit.*, I, 161; Eelking, *German Allied Troops*, p. 85.

⁵⁸ Eelking, *op. cit.*, p. 217.

THE LOYALIST PLOT IN FREDERICK

By DOROTHY MACKAY QUINN

Two source collections, the "Loyalist Papers" in transcription in the New York Public Library, and the "Executive Papers" in the Hall of Records in Annapolis, have been found to contain information about a Loyalist plot in Frederick, concerning which little has previously been known. An outline account of the episode, as told by hearsay in Frederick, is to be found in Williams's *History of Frederick County, Maryland*, but a comparison of this with isolated mentions of the plot in the published *Archives of Maryland*, and with the recently found documentary material, shows the published account to be somewhat inaccurate.

Among the *Loyalist Papers* in New York, there is a copy of a letter on behalf of one "John Fritch," who seems to have been John Casper Frietschie. This name later became famous in Frederick, as its bearer was the father-in-law of Barbara Frietschie, whose husband bore his father's name. The letter reads as follows: ¹

New York, 17 Nov. 1779.

Sr. I beg leave to recommend to your favour the Bearer John Fritch & his refugee family consisting of a Wife & six children. The father came with the Army from Philadelphia in the Quarter Mas^{rs} Generals department & has ever since been employed as a Carter. He is a diligent trusty fellow and at this time waiting on the General Hospital. If it is in your power to allow him rations for the whole or part of his family it will be an Act of Charity at the same time favor confer'd on

Your most obed^t hble serv^t

J. Mervin North

If this document refers to John Casper Frietschie, whose name was spelled in a variety of ways, it explains his connection with the Loyalists, and his presence in New York, both stories hitherto unproven.

¹ New York Public Library, 175, Loyalist Papers, Second Series, II, 263.

So little is known about John Casper Frietschie that it is impossible to identify him beyond question as the subject of this appeal. We know that he married Susanna Weishaaren on September 17, 1772, in Frederick,² and that they had four children baptized in that church in 1775, 1776, 1778, and 1780,³ the last of these being a son, his father's namesake and later the husband of Barbara Hauer Frietschie. There may have been other children born or baptized elsewhere. If the identification is correct, this must have been the case, for the man in New York had six children in 1779, and only three of Casper Frietschie's children has been born in Frederick by that date. It is obviously possible that the writer of the letter was completely mistaken as to the size of the family, for he may have known his employee only slightly, and his family not at all. Family tradition accounts only for the four mentioned in the baptismal records, and in an examination of many papers of this and related families in Frederick for another purpose, no others were noticed. Some may have died in childhood, in which case they would not have figured in the type of papers seen. It was in these papers that the variations in spelling were noticed, including the form 'Fritch.'

The first mention of the plot in which Frietschie was involved occurs in the Journal and Correspondence of the State Council⁴ (of Maryland), where it is recorded that he was under suspicion on June 9, 1781:

Whereas from Information given this Board have good reason to believe that Henry Newcomer and () Bleachy of Washington County and () Fritch () Kelly and Tinkles of Frederick County are disaffected and Dangerous Persons whose going at Large may be detrimental to the State. The Lieutenant of Washington is therefore ordered to arrest Henry Newcomer and Bleachy without delay and have them before the Board forthwith that they may be dealt with according to Law.

The warrants were issued the same day⁵ but the instructions accompanying them allowed a delay in the arrests:

Enclosed you have Warrants to apprehend Henry Newcomer of Washington County, Fritch of Frederick Town. Kelly of Frederick County,

² MS Records of the Evangelical Lutheran Church, Frederick (transcription, Maryland Historical Society), II, 199.

³ *Ibid.*, II, 635, 636, 665, 679.

⁴ *Archives of Maryland*, XLV (Baltimore, 1927), p. 467, 469.

⁵ *Ibid.*, 469.

Bleachy of Washington and Tinkles near Kelly, whose going at large we have the strongest reason to believe from the Information of Capt Orendorff is dangerous and may be detrimental to the State. The Capt. intends to have another interview with them and converse fully on the subject; he thinks they repose the utmost Confidence in him and will disclose all their views and mention the Names of the principal Persons concerned in the Plot. If you think no Consequence will arise from your delaying to execute the warrants, we would have you do it, till the fullest Information can be obtained otherwise we would have them taken into custody immediately and sent down, we wish you would see Capt. Orendorff and talk with him.

The arrests apparently took place a few days later for a letter ⁶ of June 21 to Thomas Sprigg ⁷ refers to their arrest and makes provision for their trial:

Yours of the 17th Instant we have received and think it a happy Circumstance that you have made such ample Discovery of a Treason so dangerous and extensive. A Special Court is appointed to meet at Frederick Town for the Trial of Criminals and goal Delivery, in which manner those persons apprehended in your County are to be tried. We request you will order the Prisoners to Frederick Town under a sufficient Guard. Whenever the Court sits, the Reason you mention we think sufficient for the Detention of the Company of select Militia of your County.

By June 30, another person had been implicated, one John Parks, of Baltimore.⁸

A person of the name of John Parks of Baltimore has been charged as a considerable Accomplice in the intended Insurrection at Frederick upon the oath of Philip Replogle; He is now in Goal at Baltimore Town arrested on Suspicion and has petitioned for a speedy Trial. As your Commission is extended to all the Counties on the western Shore, and as it would be extremely inconvenient to have a special Court for him alone or his Trial delayed till the next General Court, we presume that you will order a Habeas Corpus to bring him before you at Frederick.

In the course of the month of June, on an unrecorded date, the very vital testimony of Christian Orendorff ⁹ was taken down:

about a fortnit ago Henry Newcomer of Washington County came to him in Shraftsburch ¹⁰ and called him out of his Father's House and

⁶ *Ibid.*, p. 482.

⁷ Lieutenant of Washington Co. *Ibid.*, p. 227.

⁸ *Archives of Maryland*, XLV, 492.

⁹ *Ibid.*, XLVII, 328-330. See also Julia A. Drake and James R. Orendorff, *From Mill Wheel to Plowshare* (Cedar Rapids, Ia., 1938), where Orendorff is identified as a former prisoner of the British from 1776 to 1780. He returned to the American Army as a Captain and was present at Yorktown.

¹⁰ Sharpsburg?

asked what he thought of these Times, answered the Times were very bad & precarious, he then asked if he thought the King would over-come this Country answered he thought he might. I'm sure he will over-come the Country and Orendorff if you will keep it a secret I lead you into a Matter of great Importance—answered he would he said we have raised a Body of Men for the Service of the King and we thought proper to make applⁿ to you to go to N York for a Fleet, asked how many Men they had raised he said upwards of 6000—asked who was the Commanding officer of the Party, answered one Fritchey of Fred. Town a Dutch Man dont know his Christian Name—ordered Orndorf to go to his House and he would shew him the Man went to his House and rode with him to Fred. Town but did not go to Fritchey's House. Newcomer informed him Fritchey would not see him in Town but would meet him ten Miles from Town—he met him and then took him aside and said he understood Orndorf was let in to a Matter that was carrying on now. Orndorf said to him I understand you are the commanding Officer—Fritchey said he was and told Orndorf the Name of the Men in Virginia from whom he received Instructions to recruit but has forgot the name—asked why they pitched upon him; said because he had been in N. York so long they thought he was the fittest Person if he would undertake it—though they were not quite ready for a Thing of that sort. Orndorf desired him to get the Names of all the Officers which he promised to do—before they parted Fritchey told him not to disclose what he had communicated Orndorf replied he would sooner sacrifice his Life than do it.

Orndorf told him to get ready as soon as he could and let him know it and he said he would & as soon as he was Orndorf should be informed of it—and then he said some of his Officers were so violent for it that he was afraid it would be made public—asked who they were he said one Kelly a Lawyer & an Irishman who lives in the mountains about twelve or fourteen miles from Fred. Town—had no further Conversation with Fritchey.

After Orndorf rode four or five miles along the Main Road Newcomer said Orndorf you look so dead I'm afraid you ruin the Matter; answered not at all Sir—says keep it a Secret whatever you do, for we will soon give these Fellows a damn Threshing—said as we are not ready I must send my Boy up to the South Mountain and let them know We are not ready yet. Our Boys are so violent we can hardly keep them in—said he sent an Express last week to Lancaster to hush them a little while longer—he slapt Orndorf on the shoulder and said I am so glad as if I had £10000 we have got you Orndorf for they could not get one so proper for the Expedition as you are—said we have consulted your Father's Account as we knew him to be a violent Rebel—and then they parted and Newcomer went towards Hagers Town. Newcomer lives within five or six Miles of Hager's Town.

Two or three Days after Orndorf got Home Bleacher one of the Captains came to him and called him aside and said I understand you are let into a Secret that is going on now—answered he was—and said I sup-

pose you are one of the Officers. Bleacher said he was Orndorf asked him what Rank he was—he answered a Captain. Orndorf asked how many men he had recruited he said he had fifty men. Orndorf asked him to let him look at his Warr^t he said he had it not about him and made it a Rule not to carry it about him. Orndorf asked him to put it in his pocket and bring it to his House and shew it to him, he said he would—then Orndorf asked him how he managed to make known his Doings to those he wanted to join him he said he had applied to twenty that had refused him and asked Orndorf how he thought he must have felt after being refused—said to Orndorf you are acquainted with our Secrets and if you expose them you must abide by the Consequences. Orndorf asked how he thought they would do if he went & brought the Fleet to Georgetown for you have no arms Bleacher said they would mount on Horses and ride down there and receive their arms for the troops in the State would not hinder them—and further said he could take the Magazine in Fred. Town with their Men—and then they parted.

Orndorf was at one Tinkles (who lives nigh to Kelly) who told him Jacob Young was informed of the Matter—made answer and said why is Jacob Young informed of the Matter—he said he was—Orndorf said why Jacob Young will certainly expose the Matter for he is a Magistrate—he said he would not.

There seem to be no authentic records of the progress of this affair, other than the newspaper announcement of the conviction of some of the prisoners. The *Maryland Journal* of Baltimore announced on August 28, 1781, that "Casper Frietschie, Yost Blecker, and Peter Sueman," had been convicted and executed August 17, 1781. We have no record of the testimony of any of the accused, except in the case of John Parks of Baltimore. He had appealed to a number of prominent persons in an effort to obtain character witnesses, and his wife was very active in his behalf.¹¹ He was not taken to Frederick as planned, but was discharged on August 18, in Baltimore, giving a bond of a thousand pounds for good behavior.

The account of the trial, published in quotation marks, in Williams's ¹² *History of Frederick County*, is printed without source and no authority has been found. This account agrees with the statement in the *Maryland Journal*, but other details may or may not be trustworthy. In addition to the convicted Frietschie, Bleaker, and Sueman, the names of the other accused are given: Nicholas Andrews, John George Graves, Adam Graves, Henry

¹¹ *Archives of Maryland*, XLVII, 382, 413, 425-426.

¹² Thomas J. C. Williams, *History of Frederick County, Maryland* (Frederick, 1910), I, 96-97.

Shell. All were convicted, we are told, but only three, Frietschie, Blecker and Sueman, were executed, the other having been pardoned. Henry Shell, according to a document quoted at length, but without source, agreed to enlist in the French Navy as a condition of his pardon.¹³ He must have enlisted instead in the American army, for on December 6 of the same year, he was involved in a court martial proceeding in Frederick, and referred to himself as a private, and to the fact that he was on guard duty.¹⁴ There is no mention in the Williams account of Parks, Tinkles, Kelly, or Newcomer.

It thus appears that the only account of this plot, and possibly the only important evidence in the trial, is to be found in the testimony of Christian Orendorff, the man who posed as a conspirator in order to get the evidence. The existence of a document about Frietschie among the Loyalist Papers in the Record Office in London, and transcribed for the New York Public Library, gives some support to the point in Orendorff's testimony referring to New York residence, provided the British record really refers to John Casper Frietschie instead of 'John Fritch' of the record. Mistakes of this kind are of course common, especially when there is question of an English-speaking clerk dealing with a non-English-speaking Pennsylvania German, as can be observed frequently in the early census records for Pennsylvania and Maryland. Assuming that Fritch was Frietschie, and that he was in New York in November, 1779, in a practically destitute state, he would be an excellent subject for a proposal such as the plot indicates had been made to him, namely that he return to his home and recruit Loyalist soldiers for the British. The rank of commanding officer, which he is said to have claimed, would not be unusual if he had been given such a responsibility, and if he was the agent through whom other local recruiting officers established their liaison with the British, a state of affairs suggested by Orendorff's testimony.

Frederick tradition vindicates him of the treason charge, explaining that he was a harness-maker, and that he had repaired harness for British officers in Frederick. Supposedly he was arrested for questioning, in order to get the names of spies of whom he would have learned through his customers. After the

¹³ *Ibid.*, 97.

¹⁴ *Archives of Maryland*, XLVII, 568.

charge was actually brought against him, and after he had been convicted,—all this happening within twenty-four hours, according to this inaccurate tradition, his wife rode all night to get a reprieve from General Washington, received it, but arrived just after the execution of her husband.¹⁵

There is no record of Mrs. Frietschie's having appealed to anyone on behalf of her husband. Since this was a civil trial, she would not in any case have appealed to Washington. Possibly there is confusion here with Mrs. Parks, who appealed to civil authorities on several occasions. Frietschie's occupation as a harness-maker seems also to have been based partly on tradition. His son, many years later, made gloves and other leather articles, but there is no evidence of his having inherited a business or learned his father's trade. That he was at one time engaged in a leather trade, is proven by the reference to the elder Frietschie in the Annapolis documents cited below, as a "skin-dresser." The writer once examined in Frederick a receipt in German script, undoubtedly authentic, given to an employer by Casper Frietschie for payment for himself and the use of his team for a day's work. The owner, who was recently approached for permission to re-examine this receipt, states that it has been mislaid and cannot be found. This receipt if available, would prove beyond question that Frietschie was also a carter or teamster, thus identifying him more closely with the Fritch of the *Loyalist Papers*, whose occupation was that of "carter." Briefly, the *Loyalist Papers* supply possible, but not positive corroboration for some of the meager details about the plot. If the identification is correct, they explain the reason for the choice of a leader, and this reason checks with evidence produced at the trial, and hitherto not corroborated. It is unfortunate that there are no further details about the scheme itself, which at times, from the evidence of Orendorff, sounds rather pretentious, but which, when examined closely, appears to be only a movement to get recruits for the British. We get the impression that Orendorff undoubtedly caught Frietschie and others in mischief of some kind, but it looks as if he may have exaggerated the magnitude of the plot in order to get credit for saving his country from perpetrators of high treason.

¹⁵ Part of this story is given in Williams, I, 97-98, but other details have been supplied from conversations with descendants of the Frietschies, some of whom have undocumented written accounts of the story, accounts probably committed to writing about the time of the Civil War.

To most people, the most interesting part about the tradition of the plot, is the story that the men were hanged, drawn, and quartered. Since the newspaper account mentioned only their conviction, and no details of the sentence, there has been considerable doubt as to whether the barbarous practice of hanging, drawing, and quartering, ever occurred except in the imaginations of tellers of the story. For this reason, some documents at Annapolis are of great importance. They tell us that such a sentence actually was given in these cases, but in each known case, it was reduced to hanging "until dead." The documents in question are a series of four orders of the governor to the sheriff of Frederick County,¹⁸ dated August 9, 1781. The four documents refer to seven men, the number given in the Williams account, and the names are also identical with those in this account. In the papers published in the *Archives of Maryland*, six names appear, those of Newcomer, Plecker (Bleaker), Frietschie, Kelly, Tinkles, and Parks. The Williams account lists only two of these, Frietschie and Plecker, but adds Sueman, Andrews, John Graves, Adam Graves, and Shell. Parks, as we have seen, was freed immediately. Williams says that three were executed, and the others pardoned. The *Maryland Journal* tends to corroborate this by mentioning the sentence as applying to only three, Frietschie, Plecker, and Sueman. The Executive Papers at Annapolis make it clear that on July 6, 1781, all seven men were sentenced, the seven listed by Williams. They were to be "drawn to the Gallows of Frederick Town and be hanged thereon, that they be cut down to the earth alive, and that their Entrails be taken out and burned while they are yet alive, that their Heads be cut off and their Bodies divided into four Parts and that their Heads and Quarters be placed where his Excellency the Governor shall appoint."

But the documents, after all these details, order commutation of the sentences. The sheriff was ordered to take them from prison on or before August 22, 1781, and "them safely convey to the Gallows in the County aforesaid the common Place of Execution of Malefactors . . . there . . . to hang by the Neck on

¹⁸ I am grateful to Messrs. M. L. Radoff, Archivist, and G. Skordas of the staff of the Hall of Records for assistance in finding these uncatalogued manuscripts. They are listed as Executive Papers, 1781.

the said gallows until they are dead, forbearing to execute any other Part of the said Sentence. . . .”

It thus appears that on July 6, 1781, seven men were sentenced to be hanged, drawn, and quartered; that on August 9, the sentence was commuted to hanging with the drawing and quartering forbidden; and that the revised sentences were to be executed on or before August 22. Finally, only three were actually hanged, as the *Maryland Journal* had indicated, on August 17, the three being Frietschie, Plecker, and Sueman. This leaves four unaccounted for after having been sentenced, Andrews, Shell, and the two Graves; Parks, who was discharged under bond on August 18, and three whose names do not appear in any copies of sentences now known, Tinkles, Kelly, and Newcomer.

We now know that the last of these, Newcomer, was sentenced to a year's imprisonment and a fine on July 6, the date on which the seven death sentences were given. Among the Executive Papers there is a document dated months later, on January 27, 1783. It is an order of the Governor and Council mentioning the sentence, and ordering Newcomer's fine reduced from £1000 to £50, since he had already served his sentence, and since his wife and eleven children were being reduced to a state of beggary. Of Tinkles and Kelly we have no word at all. They may or may not have been tried with the others on July 6, 1781, and have received comparatively light sentences as in the case of Newcomer, or they may have been discharged without trial, or immediately after a trial, as in the case of Parks.

The fate of the remaining four is most mysterious. One of them, Henry Shell, was said to have enlisted in the French Navy as a condition of his pardon,¹⁷ but until the archives at Annapolis were examined in this connection there was no evidence that letters purporting to testify to this were genuine, or even extant. It now appears from the Executive Papers,¹⁸ that on September 20 Shell signed a letter accepting the governor's pardon on condition that he enlist in the French Navy for the duration of the war.

¹⁷ Williams, I, 96-97. Williams, without citing his authority, states that the court consisted of Alexander Contee Hanson, Col. James Johnson and Upton Sheredine. The sentence was delivered by Judge Hanson, says this writer. A similar account is found in John T. Scharf, *History of Western Maryland* (Phila., 1882), I, 142-143, which doubtless was drawn upon by Williams. Scharf supplies no sources.

¹⁸ Executive Papers, 1781. Cf. Williams, I, 97.

Three days prior to the writing of this letter, on September 17, there were transmitted from Frederick to the Governor, "three Instruments of Writings Signed by Nicholas Andrews, George Graves, and Adam Graves,"¹⁰ the three unaccounted for as explained above. The covering letter said that they intended to "march" these men the next day or the day following. The letters described have not been found, but the covering letter gives the impression that the "three Instruments" were acceptances of pardon. If the conditions were the same as in the case of Shell, the letter becomes clear, for the men would have to be "marched" or somehow removed to a port for enlistment. This accounts for the four conspirators sentenced, but not hanged. We have no evidence of their embarkation, and in at least one case, that of Shell, there is reason to believe that he served in the American Army instead of the French Navy.

¹⁰ Hall of Records, "Red Book," no. 18, letter 122.

WILLIAM PINKNEY'S PUBLIC CAREER

1788-1796

By MAX P. ALLEN

I. ACTIVITIES IN THE HOUSE OF DELEGATES, 1788-1792

Following the Annapolis Convention of 1788, William Pinkney returned to his law practice in Harford County.¹ It is quite unlikely that he had any part in the effort to provoke a controversy regarding Thomas Lloyd of Philadelphia, who was permitted to take notes in shorthand of the proceedings at Annapolis. It was claimed that although Lloyd had originally sympathized with the opponents of ratification, he had been "bought off" by the majority with the idea of preventing or delaying publication of the debates, which were supposed to reflect little credit on the tactics used to secure ratification.² As a matter of fact, within a reasonable time there appeared an advertisement that Lloyd's "Debates on Adoption in Maryland" would be published as soon as there were six hundred subscribers.³

The principal opposition to adoption of the Constitution in Maryland came from eleven men representing only three counties. In the October elections, five of these were returned to the House of Delegates,⁴ while the circumstances attending the canvass in Baltimore were such that Samuel Chase saw fit to contest the results.⁵ Anne Arundel County elected John F. Mercer and

¹ For an account of Pinkney's earlier activities, consult Max P. Allen, "William Pinkney's First Public Service," *Maryland Historical Magazine*, XXXIX (December, 1944), 277-292. Bibliographical comment has been confined largely to that article.

² *Maryland Gazette* (Annapolis), May 22, 1788.

³ *Ibid.*, June 19, 1788.

⁴ *Ibid.*, Oct. 16, 1788.

⁵ It had been a bitter battle between the "doctors and the lawyers," McHenry and Dr. John Coulter being credited with 635 and 622 votes, respectively, while Chase had 505 and David McMechen, 404. Chase and McMechen, who had been heralded as "Enemies to the New Federal Government," claimed that they had been the victims of disorderly proceedings. They petitioned the House of Dele-

Jeremiah T. Chase; Baltimore County, Thomas C. Deye and Charles Ridgely of William; and Harford County, William Pinkney. These gentlemen must have felt that their refusal to sign the Constitution at Annapolis met with the approval of their constituents.

When the legislature convened on Tuesday, November, 4, 1788, Pinkney was on hand, his first recorded vote being in favor of a meeting of the House of Delegates each day of the November session.⁶ The following day he was placed on a committee with McHenry and three others to investigate the petition of one Adam Fonerden praying for an exclusive right to make and sell a machine called a "card-teeth Cutter."⁷ Pinkney brought in his first committee report two weeks later.⁸ By the end of the session he had become an outstanding member, drawing many important committee assignments. This may be attributed largely to his ability and the zeal which always characterized his handling of responsibilities. It does not seem profitable to examine all of his legislative activities of this period, especially since so many of them had to do with bills which were local or special in nature. Instead it will be attempted to indicate his connection with only more fundamental affairs.

Much legislation affecting relations with the national government provoked little argument in Maryland, *e. g.*, the cession of a district ten miles square for the seat of the new capital.⁹ Those

gates to set aside the election, and the matter was given considerable attention all during the session. Pinkney, Mercer, J. T. Chase, Deye, and Ridgely consistently supported the claims of their erstwhile leader at the ratifying convention held the preceding April. Several witnesses were examined, one of whom admitted that he had "betted two beaver hats on the losers."

On December 13 Pinkney was made chairman of a committee to bring in a mode of handling controverted elections. Apparently the suit was dropped without a final decision being reached. On December 20, 1789, it was recorded that parties to the suit should pay the costs of issuing 188 summons, amounting to approximately £62. At the next session, it was decided that Dr. Coulter should pay his share of the costs, the vote being 31-15, Pinkney voting with the majority. Additional details may be had by consulting the following: *Maryland Gazette*, Oct. 16 and 30, 1788; *Votes and Proceedings of the House of Delegates of Maryland*, Nov. Sess., 1788, pp. 4, 5, 15, 17, 18, 19, 44; *ibid.*, Nov. Sess., 1789, Dec. 1 and Dec. 20; *ibid.*, Nov. Sess., 1790, Dec. 16. The best secondary account is Bernard C. Steiner, *The Life and Correspondence of James McHenry* (Cleveland, 1907), pp. 114-115.

⁶ *Votes and Proceedings*, Nov. Sess., 1788, p. 3.

⁷ *Ibid.*, p. 4.

⁸ *Ibid.*, p. 17.

⁹ *Laws of Maryland*, Nov. Sess., 1788, Ch. XL. Passed Dec. 23.

who had been so insistent on a Bill of Rights were gratified in 1789 by being able to ratify twelve proposed amendments, ten of which were added to the Constitution.¹⁰ Pinkney brought in a committee report in 1790, which passed 48 to 4, instructing Maryland's United States Senators to join with those of Virginia in securing sessions of Congress which were open to the public.¹¹ On the other hand, there was considerable opposition to acceding to another joint proposition sponsored by Virginia that these two states advance money for the construction of national public buildings. Virginia agreed to put up \$120,000, with Maryland's share fixed at \$72,000. Pinkney voted consistently against such an appropriation, but was in the minority.¹² Together with Plater and Ridgely, he triumphed momentarily in backing a resolution that the assumption of state debts was a "measure dangerous in consequences to the governments of the several states." However, five days later, the Federalists succeeded in getting this resolution rescinded by the narrow margin of 27 to 26.¹³

As Pinkney's prestige grew in the legislature, many of his old associates also moved up in the world, indicating that he must have been in a group that was unusually capable. J. T. Chase had already taken Alexander C. Hanson's place as judge in the general court, the latter having become chancellor of Maryland.¹⁴ Samuel Chase, freed of his financial burdens by the legislature,¹⁵ was beginning to accumulate offices faster than he could take care of them, so that the ire of the legislature was eventually aroused. He did, however, yield his place in the Maryland Senate, to which he was elected in 1791 (Pinkney being one of the senatorial electors),¹⁶ to succeed Thomas Johnson as chief justice of Maryland,

¹⁰ *Ibid.*, Nov. Sess., 1789, Ch. VI. Passed Dec. 19.

¹¹ *Votes and Proceedings*, Nov. Sess., 1790, Dec. 1. Two years later the Lower House was still trying "to procure the opening of the doors of the senate of the U. S." and expressing disappointment that one of Maryland's Senators had acted contrary to this idea. The Upper House, however, did not concur in the matter. See *ibid.*, Nov. Sess., 1792, Dec. 22.

¹² *Ibid.*, Nov. Sess., 1790, Nov. 17 and 18.

¹³ *Maryland Gazette*, Dec. 23, 1790.

¹⁴ *Ibid.*, Oct. 8, 1789. Hanson held the position of chancellor until his death seventeen years later. The Pinkneys and the Hansons were personal, as well as political, enemies, according to Mrs. L. R. Carton, a great-great-granddaughter of Pinkney.

¹⁵ Allen, *Maryland Historical Magazine*, XXXIX, p. 285, note 42.

¹⁶ *Maryland Gazette*, Sept. 22, 1791. McHenry and Charles Carroll of Carrollton would have been two of his colleagues if he had not resigned.

the latter becoming a federal judge.¹⁷ Plater was elected governor at the beginning of the November session, 1790, with Pinkney the first-named member of a House of Delegates committee to meet with a Senate committee to examine the ballots.¹⁸ The latter had now become prominent enough to be censured in one of the numerous letters which McHenry dispatched to Alexander Hamilton.

An opinion prevails in our House of Delegates that our constitution wants mending and Mercer, Pinkney and Craik are to lead in the business. They do not venture, I mean the two first, for the last is rather federal [,] to expose their true reason, though they have not been able to conceal it. I cannot tell how the project may terminate, but I like our constitution as it stands and trust the people, having heretofore found it a good one, will not easily be brought to any radical alterations.¹⁹

The same year President Washington asked McHenry for suggestions regarding the appointment of a federal district attorney for Maryland. The latter replied, among other things, that Luther Martin was the best qualified for it but the last who deserved it, on account of his politics. He suggested that Washington speak to William Paca about the necessity of leading men removing misapprehension concerning the laws. It was McHenry's idea to "lead Paca from Mercer, who is, if possible, more desperately mischievous, than when the open, decided, and declared enemy of the constitution."²⁰

It is likely that no ordinary business of a state legislator would attract much attention outside his capital city, not to mention the country generally, regardless of his competency or persistency. It

¹⁷ *Ibid.*, Sept. 1, 1791.

¹⁸ *Votes and Proceedings*, Nov. Sess., 1791, Nov. 14. Pinkney missed most of the first week of this session and the first half of December.

¹⁹ McHenry to Hamilton, n. p., Nov. 19, 1791, in Steiner, *James McHenry*, pp. 132-133. Soon after this Pinkney brought in a long committee report growing out of a memorial of citizens of Pennsylvania and New Jersey that they had been discriminated against by the paper emission of 1780. It is a comprehensive discussion which reached the conclusion that there had been no discrimination. See *Votes and Proceedings*, Nov. Sess., 1791, Nov. 25.

²⁰ McHenry to Washington, Baltimore, Aug. 16, 1792, in Steiner, *op. cit.*, p. 134. Mercer was seeking re-election to Congress. He rather rivaled Chase in being continually involved in some kind of acrimonious dispute. His opponent this time was Major David Ross, whose pen was very active in behalf of a Quaker named John Thomas who was campaigning against Mercer. Mercer won, however, as did William Vans Murray and Samuel Smith, both of whom were well started on prominent careers. See the *Maryland Gazette*, Sept. 27, Oct. 4, and Nov. 1, 1792, and April 18, 1793.

seems desirable, therefore, to dwell at some length on two topics which brought Pinkney very much into the limelight and which even today have not passed into oblivion.

II. PINKNEY AND SLAVERY

Pinkney's fame as an orator rests largely on his speeches made before the Supreme Court²¹ and in the United States Senate.²² His reply to Rufus King of New York on the admission of Missouri to the Union was delivered February 15, 1820.²³ At the time many persons looked upon Pinkney merely as an eloquent advocate of Southern views on slavery. As a matter of fact, he did not defend slavery but rather the right of Missouri to enter the Union without an infringement on her sovereignty which would make her inferior to the other states, a point of view on constitutional law which is accepted today. Under the circumstances, therefore, he could not be accused of abandoning the liberal position he took as a young legislator regarding Quakers, Catholics, Jews, and Negroes.

During his very first week in the legislature, Pinkney was placed on a committee which included Mercer, Ridgely, Potts, and Forrest, to make such changes in the Maryland Declaration of Rights and Constitution as would give religious toleration.²⁴ Having already established a reputation for freedom from bigotry, it was not surprising to find him the following month unsuccessfully supporting a recent memorial of the Society of Quakers. This group waged a long campaign to bring about the repeal of a

²¹ Albert J. Beveridge has done much to rehabilitate Pinkney's reputation as one of the outstanding constitutional lawyers of his day. Consult his *Life of John Marshall*, IV (Boston, 1919), 133 ff. The text of Pinkney's famous speech in the case of the *Nereide* is available in Henry Wheaton, *Some Account of the Life, Writings and Speeches of William Pinkney* (New York, 1826), pp. 455-516.

Justice Joseph Story listed twenty-four men as being leading orators in the period 1800 to 1840. He included two Marylanders: Luther Martin and William Pinkney. See Story to A. Hayward, Cambridge, Massachusetts, Jan. 4, 1840, in William W. Story, ed., *Life and Letters of Joseph Story*, II (Boston, 1851), 325.

²² Pinkney presented his credentials on January 4, 1820, as the successor of Alexander C. Hanson, lately deceased, the son of Chancellor A. C. Hanson. See *Annals of Congress*, 16 Cong., 1 Sess., p. 54. For a speech made about five years earlier in the House of Representatives on the treaty-making power of Congress, consult Reverend William Pinkney, *Life of William Pinkney* (New York, 1853), pp. 337-361.

²³ Most of this is published in *Annals of Congress*, 16 Cong., 1 Sess., pp. 390-418. A similar rendition is given in Pinkney, *op. cit.*, pp. 288-337.

²⁴ *Votes and Proceedings*, Nov. Sess., 1788, p. 8.

law which forbade manumission of slaves by last will and testament.²⁵ Eventually Pinkney joined the majority in voting for postponement of the question until the eighth day of the next session.²⁶ During the course of this action he made a speech which Mathew Carey considered worthy of publication in that rather curious periodical which he edited at Philadelphia.²⁷ Wheaton's description of the speech is interesting, especially since he heard so many of Pinkney's best efforts. He was of the opinion that it breathed "all the fire of youth and a generous nature, although it . . . [might] not perhaps be thought to give any pledge of those great powers of eloquence and reasoning which he afterwards displayed."²⁸ When the matter of legalizing manumission by testament came up the following year, Pinkney spoke again. At the time of the exchange with King in 1820, mentioned above, he declared that the 1789 performance "was much better than the first speech and for a young man . . . well enough."²⁹ This was putting it modestly, as is demonstrated by the resumé of it which follows.

Pinkney began by admitting that although his past sentiments had been disregarded, he nevertheless would once more lend his "feeble efforts" to so important a cause of freedom.³⁰ As obstacles to his efforts he noted "mistaken ideas of interest, the deep-rooted prejudices which education has fostered and habit matured, the general hereditary contempt for those who are the objects of these provisions, the common dread of innovation, and above all, a recent defeat." He marveled at the technicalities surrounding manumission. "The door to freedom . . . [was] fenced about with such barbarous caution, that a stranger would be naturally led to believe that our statesmen considered the existence of its opposite among us as the *sine qua non* of our prosperity." He objected to placing all the blame on England for slavery being established in America. "They strewed around the

²⁵ Luther Martin had tried to limit or ban the slave trade at Philadelphia in 1787. Although Frederick Douglass is probably the best known of Maryland Negroes in the nineteenth century, the outstanding one at this time was Benjamin Banneker (1731-1806), whose almanac was commended by McHenry in 1791. See Steiner, *James McHenry*, p. 127.

²⁶ *Votes and Proceedings*, Nov. Sess., 1788, p. 49.

²⁷ *American Museum: or Universal Magazine*, VI (1789), 74 ff.

²⁸ Wheaton, *op. cit.*, p. 8.

²⁹ Quoted from *ibid.*

³⁰ The more or less direct quotations given here are taken from *ibid.*, pp. 8-23.

seeds of slavery; *we* cherish and sustain the growth. *They* introduced the system; *we* enlarge, invigorate, and confirm it." As consequences of the present policy he predicted the destruction of reverence for liberty and interference with production in agriculture, commerce, and manufacturing. He quoted Montesquieu to the effect that although civil liberty may be tolerable where there is political slavery, in a democracy it is contrary to the spirit of the constitution.³¹

Pinkney then proceeded to offer some answers to objections which might be raised to the bill. He denied that freedmen would be tools of usurpation, pointing out that Sulla could retire unmolested because of the fidelity of the slaves he had freed. "When we see freed-men scrupulously faithful to a lawless abandoned villain, from whom they received their liberty, can we suppose that they will reward the like bounty of a free government with the turbulence of faction, or the seditious plots of treason!"³² Manumission was easier in India than in Maryland. He considered it lamentable for Maryland to be surpassed by Eastern despots in humanity and justice. Then he dealt with the belief of some that nature had "black-balled" Negroes out of society. He insisted that Negroes are merely men with a different complexion and features, the beauty of which is largely a matter of taste. Their ignorance and vices were "solely the result of situation, and therefore no evidence of their inferiority." Like neglected flowers they proved only "the imbecility of human nature unassisted and oppressed."

He presented many more arguments which will not be reproduced here except in barest outline. Thus, he denied that Negroes were lazier than white men. He pointed out that creditors could be safeguarded against losses which might accrue from manumis-

³¹ It would seem rather remarkable for this youthful Maryland attorney to be familiar with Montesquieu and Rousseau. Professor Albert Schinz of the University of Pennsylvania discussed eighteenth century philosophers before the Graduate History Club of Indiana University on November 26, 1941. He pointed out that many scholars believe that the French Revolution gave the philosophers popular renown, rather than that their writings popularized the ideas which culminated in the Revolution. He reported that his own research indicated that only the intelligentsia had copies of such books as Rousseau's *Social Contract*.

³² Pinkney again quotes Rousseau: "Nothing more assimilates a man to a beast than living among freemen, himself a slave. Such people as these are the natural enemies of society, and their numbers must be dangerous." Quoted in Wheaton, *op. cit.*, p. 17.

sion, while slaves over fifty years of age need not be set free at all unless adequate indemnities be set up to prevent their becoming a public charge. He showed little sympathy for heirs who might be impoverished, glorying "in the cause of their distress as . . . [he] wished them a more honest patrimony." He contrasted the policy of Sparta and Athens toward slavery, as well as Maryland and Pennsylvania,³³ to prove that kindness need not lead to turbulence. Then came his peroration:

You are not asked to abolish slavery but merely to set aside a tyrannical act of an earlier legislature forbidding manumission by last will. Often reforms cost public expenditures; this does not, yet many will be made happy.

Will you, then, whose councils the breath of freedom has heretofore inspired; whose citizens have been led by Providence to conquests as glorious as unexpected, in the sacred cause of human nature; whose government is founded on the never-mouldering basis of equal rights; will you, I say, behold this wanton abuse of legislative authority; this shameful disregard of every moral and religious obligation; this flagrant act of strained and unprovoked cruelty, and not attempt redress when redress is so easy to be effected.³⁴

The results of this magnificent effort were trifling. The legislature voted to continue the act of 1752 until the end of the following session.³⁵ Being absent from November 6 to 17 at the 1790 session, Pinkney was not placed on the committee appointed November 10 to reconsider manumission by testament. However, he was selected to deliver to the Senate the bill which finally passed the House of Delegates largely as a result of his activities during the past three years.³⁶ The Senate accepted the measure in the form advocated by Pinkney.³⁷ Section 2 repealed old laws forbidding manumission, while the third section made manumis-

³³ Benjamin Franklin was president of the Pennsylvania Society for Promoting the Abolition of Slavery and the Relief of Free Negroes. There was a similar society in Maryland, which had many prominent members, including Samuel Chase, Martin, and Sterett (but not Pinkney). See the *Maryland Gazette; or, the Baltimore Advertiser*, Nov. 27 and Dec. 15, 1789.

³⁴ Wheaton, *op. cit.*, p. 23. For a favorable comment on this speech in the United States Senate in 1852, see *Works of Charles Sumner*, III (Boston, 1875), 119.

³⁵ *Laws of Maryland*, Nov. Sess., 1789, Ch. LXI. Passed Dec. 25. For Pinkney's efforts consult *Votes and Proceedings*, Nov. Sess., 1789, Nov. 15, Nov. 17, Dec. 8, and Dec. 22. He did not vote on the bill finally passed in the House of Delegates on Dec. 24, which merely postponed action.

³⁶ *Ibid.*, Nov. 19, 1790.

³⁷ *Laws of Maryland*, Nov. Sess., 1790, Ch. IX. Passed Dec. 14.

sion legal if it were not to the prejudice of creditors and if the slave were not over fifty years of age. Section 5 set a penalty of £300 for transporting free Negroes out of the State. The last section contained humane provisions for old or disabled slaves.

But Pinkney was far from being an abolitionist at this time. The following year he brought in a committee report bitterly condemning the memorials of the Quakers for making applications which "instead of conducing to ameliorate the situation of those whose cause they advocate, have an effect unfortunately the reverse, by tending to destroy the spirit of acquiescence among our slaves, by which alone their happiness can be secured, and to inspire them with regret and anxiety for evils that do not admit a remedy." Pinkney voted with the majority which accepted this report, the vote being 45 to 21.³⁸ Consideration was then given to a complaint of the Dorseys regarding the Maryland Society for Promoting Abolition. Pinkney was again one of a large majority which thought that the Society had "acted badly." However, he helped defeat by a margin of only two votes a motion declaring that the organization was unnecessary, oppressive, and subversive.³⁹ It was the final judgment of 48 members (including Pinkney) that the abolitionists had conducted themselves in a "most uncandid, unjustifiable, and oppressive manner, and their conduct . . . [could] not be justified upon any principle by which good citizens ought to be actuated."⁴⁰

III. THE CONGRESSIONAL ELECTION OF 1790

The most important public question of the day which affected Pinkney at all vitally had to do with the election of Congressmen, Maryland's original quota being six. It was suggested in 1788 that the State be divided into two districts, with the Western Shore returning four members to the House of Representatives and the Eastern Shore two. Instead, the State was divided into six districts, although electors were to be entitled to vote for all six members rather than just one.⁴¹ Pinkney was one of a minority of twenty-four who voted against requiring a candidate to stand

³⁸ *Votes and Proceedings*, Nov. Sess., 1791, Nov. 21 and 23.

³⁹ *Ibid.*, Dec. 21.

⁴⁰ *Maryland Gazette*, Dec. 29, 1791.

⁴¹ *Laws of Maryland*, Nov. Sess., 1788, Ch. X. Passed Dec. 22.

in his home district.⁴² He helped defeat an amendment requiring a residence of twelve months in the district prior to the election. Failing in his effort to restrict the measure's operation to two years, he nevertheless voted for it as passed.⁴³

At the next session, he was placed on a committee of seven to formulate another bill on the subject. As reported it contained no residence requirements within a district as a prerequisite to holding office. Thus a candidate might conceivably seek election in more than one district. If returned the winner in two districts he was given thirty days to inform the governor and executive council which district he preferred to represent, a new election then being necessary in the other. This rather peculiar measure was rejected in the Senate.⁴⁵ A similar measure also failed of passage in the 1790 House of Delegates. Instead, the qualifications were increased by requiring a candidate to have resided in the district for twelve months prior to the election.⁴⁶

With such maneuvering in the background, the Congressional election of 1790 proved especially interesting. On September 25, William Harwood, for many years clerk of the House of Delegates, presided at a kind of convention at Annapolis which prepared a Congressional "slate" for the consideration of the voters, the announced purpose being a desire to balance the representation in the State. It was arranged as follows: 1st district—Michael J. Stone; 2nd district—James Tilghman of James; 3rd district—Benjamin Contee; 4th district—George Gale; 5th district—Samuel Sterett; 6th district—Daniel Carroll.⁴⁷ Pinkney and five others also entered the race, although little information is available regarding the campaign. It will be observed, however,

⁴² *Votes and Proceedings*, Nov. Sess., 1788, Dec. 3. A week later Pinkney also voted with a minority which sought to restrict each elector's vote to his own district.

⁴³ *Ibid.*, Dec. 10.

⁴⁴ *Ibid.*, Nov. Sess., 1789, Dec. 2 and 3.

⁴⁵ *Votes and Proceedings of the Senate of Maryland*, Nov. Sess., 1789, Dec. 18.

⁴⁶ *Laws of Maryland*, Nov. Sess., 1790, Ch. XVI. Passed Dec. 10. Pinkney was absent this session from Nov. 20 to Dec. 8, so he was not present when the bill passed the House of Delegates on Nov. 24.

⁴⁷ *Maryland Gazette; or, the Baltimore Advertiser*, Sept. 28, 1790. The third district was comprised of Annapolis, Anne Arundel County, and Prince George's County; the fourth included Harford County, Baltimore, and Baltimore County. *Laws of Maryland*, Nov. Sess., 1788, Ch. X. Passed Dec. 22. Pinkney had lived practically all of his life in the Third but was, of course, a resident of the Fourth district in 1790.

that Sterett was the lone "slate" candidate to be victorious, the successful aspirants and the votes they received being as follows: ⁴⁸

Samuel Sterett	16,420
William Pinkney	10,435
Joshua Seney	9,887
William Vans Murray	9,647
Philip Key	9,640
Upton Sheridine	9,387

It will be recalled that voting was on a state-wide basis, indicating that Pinkney probably could have been elected in every district except Sterett's. Apparently he had misjudged his popularity, thereby accounting for his opposing Contee in the third district rather than Gale in the fourth.

A few days after the election Pinkney and the other five just mentioned were declared "duly elected Representatives of . . . [the] State in the Congress of the United States." However, Governor Howard and John Kilty gave notice that they planned to "enter on the proceedings, their dissent to the above decision." ⁴⁹ Accordingly, on November 5, the Governor delivered a brief argument to the Council showing that it was contrary to the Act of 1788 for a man to represent any district except the one in which he resided. Pinkney's reply has not been preserved, although he presumably took the position that a State could not add to the constitutional qualifications of a national officer. On November 8, John Kilty replied at length to Pinkney's contentions but apparently to no effect. Almost a year later Pinkney resigned of his own volition, without ever having actually attended a session of Congress, although by so doing he precipitated quite a controversy. ⁵⁰ For matters which would seem trivial today

⁴⁸ *Maryland Gazette*, Oct. 28, 1790. Two years previously Sterett had been badly beaten by both James McHenry and John Coulter when Baltimore elected delegates to the Annapolis ratifying convention, according to Steiner, "Maryland's Adoption of the Constitution," *American Historical Review*, V (Oct., 1899), 43. So it is rather difficult to explain this remarkable showing of an Anti-Federalist.

⁴⁹ Proceedings of the Executive Council, Nov. 2, 1790. For discussion of the prerogatives of this body, consult the next section of this chapter. As an aftermath of this incident the Maryland Constitution was amended to bar federal officeholders from holding state offices. See *Laws of Maryland*, Nov. Sess., 1791, Ch. LXXX and *ibid.*, Nov. Sess., 1792, Ch. XXII. (It took two years to amend the constitution. Pinkney voted against such a law on Dec. 10, 1790.)

⁵⁰ *Laws of Maryland*, Nov. Sess., Nov. 5 and Nov. 8, 1790; *ibid.*, Nov. Sess., 1791, Oct. 13, 1791. The resignation was dated Sept. 26, 1791, the Governor ordering an election to fill the vacancy on Oct. 13.

caused great concern then because of the lack of precedent to take care of an unusual situation.

On November 9, 1791, Speaker Jonathan Trumbull of Connecticut⁵¹ laid a communication before the House from Governor Howard of Maryland. Without mentioning the dispute over eligibility, the latter merely stated that Congressman William Pinkney had submitted his resignation on September 26 to the governor and the executive council. So a writ of election had been issued to fill the vacancy and John Francis Mercer had been duly elected in accordance with the laws of Maryland.⁵² Howard's letter was referred to the committee on Contested Elections, appointed on October 26, despite some objection as to the legality of such a procedure.⁵³

There is no record of the deliberations of this committee, but on Monday, November 21, its report recognizing the election of Mercer was referred to a committee of the whole house.⁵⁴ The following day a rather lengthy debate ensued on accepting the report. Giles of Virginia pointed out that in the British House of Commons it was impossible to resign; he also thought it improper for a governor to be permitted to declare that there was a vacancy and then fill it, despite Seney's defense of the legality of Maryland's action.⁵⁵ Smith of South Carolina rather objected to the report, but thought it the best way to handle the matter—if properly discussed. He thought this procedure preferable to the British practice of appointing members to fictitious offices, thereby automatically disqualifying them for membership in the Commons.⁵⁶ Williamson of North Carolina and Gerry of Massachusetts were of the opinion that since Senators could resign,

⁵¹ He had been chosen two weeks previously. He was the brother of John Trumbull, soon to be Jay's secretary in England and later a member of the Spoilation Commission to which Pinkney also belonged.

⁵² *Annals of Congress*, 2 Cong., 1 Sess., pp. 166 and 209. Mercer notified the citizens of Anne Arundel County that he was a candidate to succeed Pinkney on Oct. 4, 1791. See *Maryland Gazette*, Oct. 6, 1791.

⁵³ Samuel Livermore of New Hampshire had taken the position that it was improper to delegate to a committee a constitutional prerogative of the House. He was now a member of the committee, along with William B. Giles of Virginia, Elias Boudinot of New Jersey, Elbridge Gerry of Massachusetts, Benjamin Bourne of Rhode Island, James Hillhouse of Connecticut, and John Steele of North Carolina. See *Annals of Congress*, 2 Cong., 1 Sess., p. 145.

⁵⁴ *Ibid.*, p. 200.

⁵⁵ *Ibid.*, p. 205. It will be recalled that Seney had been elected to Congress at the same time Pinkney was.

⁵⁶ *Ibid.*, p. 206.

Representatives should be able to do so likewise. Gerry also brought out the fact that the King had organized the Commons to control the Lords; hence resignations had been prohibited to keep from weakening that body and to save the King the expense of a new election.⁵⁷ William Vans Murray agreed with his colleagues from Maryland that the report should be accepted, "both on account of propriety and conveniency." He considered that it was impracticable to seek English precedents where interpretation of the Constitution was involved. The debate ended with Sedgwick of Massachusetts still expressing concern over giving much authority to state executives in regard to vacancies.⁵⁸ On Wednesday further attention was given the matter in committee of the whole. The report in slightly different form was finally accepted. Having reviewed the salient facts in the case, the committee reached this conclusion:

Resolved, That it is the opinion of this committee that John Francis Mercer is entitled to take a seat in the House as one of the Representatives for the State of Maryland, instead of William Pinkney.⁵⁹

Thus in a period of slightly more than two years, Chase's obscure young follower at Annapolis had made speeches in the Maryland legislature which had attracted rather wide attention and he had been the principal in an incident which occupied the attention of some of the outstanding men in the United States for several days. He was to render several more years of service at home before embarking on a national career in 1796 which continued almost without interruption until his death in 1822.

IV. VARIED SERVICES, 1792-1796

After serving in the legislature for four years, Pinkney apparently did not seek re-election. At any rate his name did not appear in the roster of members elected to the 1792 House of Delegates.⁶⁰ The following month, however, along with the announcement that Thomas Sim Lee had again been chosen gov-

⁵⁷ *Ibid.*, p. 207.

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*, p. 209.

⁶⁰ *Maryland Gazette*, Oct. 18, 1792. Pinkney apparently moved to Annapolis during 1792.

ernor, appeared the statement that the executive council would consist of James Brice, John Kilty, Henry Ridgeley, John Davidson, and William Pinkney.⁶¹ A few comments now seem in order regarding Maryland's governmental machinery.

The constitution of 1776 provided that annually, on the second Tuesday of November, the legislature by joint ballot should elect "five of the most sensible, discreet, and experienced men" to be a council for the governor. They had to be over twenty-five years of age, residents of the State for more than three years, and possessed of a freehold valued at more than £1,000. Three of these were to constitute a quorum to conduct such business as affix the great seal to laws, commissions, and grants; authorize payments by the state treasurer; order proclamations by the governor; make official election certifications; and hear petitions for clemency.⁶²

Several State officers were paid salaries fixed by the legislature in 1785, but most of them were on the civil list.⁶³ Usually quite a struggle developed each year over the enactment of the civil list, between friends and enemies of a particular officer. The pay ranged from £1,000 for the governor down to eighteen shillings, nine pence *per diem* for members of the legislature. The latter were penalized twenty shillings for each day missed without adequate cause.⁶⁴ The chancellor (who at this time was the elder A. C. Hanson) received £650, while £600 went to the chief judge of the general court (a position held successively by William Paca, R. H. Harrison, Thomas Johnson, Samuel Chase, Robert Goldsborough, and J. T. Chase), £250 to the clerk of the executive council, and £150 to members of the council.⁶⁵ Pinkney's younger brother, Ninian, held a series of clerkships in the early 1790's, becoming clerk of the council about the time the elder

⁶¹ *Ibid.*, Nov. 15, 1792. According to the Proceedings of the Executive Council for 1792, the governor was elected on Nov. 12 and the council the following day. Governor Plater, who had presided at the Annapolis Convention of 1788, died early in 1792, so Lee had served only about eight months. See *Maryland Gazette*, Feb. 16, 1792.

⁶² See sections 26, 32, 33, 34, 35, and 36 in Francis N. Thorpe, *The Federal and State Constitutions* . . . , III (Washington, 1909), 1695-1697.

⁶³ *Laws of Maryland*, Nov. Sess., 1785, Chs. XXVII and XXVIII.

⁶⁴ *Ibid.*, Nov. Sess., 1787, Ch. V. The penalty was raised to six dollars per day in 1794. See *ibid.*, Nov. Sess., 1794, Ch. XL. Passed Dec. 26.

⁶⁵ *Ibid.*, Nov. Sess., 1791, Chs. LI and LXXIV. Passed Dec. 27 and Dec. 30, respectively.

brother's services came to an end in 1795.⁶⁶ Ninian is reputed to have acted in this capacity for about thirty years through thirteen administrations.⁶⁷

During the first year Pinkney served on the council, he missed fifty-five of the one hundred twenty meetings, largely because of his extensive law practice.⁶⁸ So he could scarcely have played a prominent part in any consideration given to the requests of the refugees from Santo Domingo⁶⁹ or the problems which resulted from Washington's Proclamation of Neutrality.⁷⁰ Nevertheless, when Lee and the five members of the council were re-elected, Pinkney was the first-named counsellor (instead of the last, as had been the case the preceding year), signifying that he was president of the group. In case anything happened to Lee, he would act as governor until a successor had been elected.⁷¹

After becoming presiding officer, Pinkney attended the meetings of the council with greater regularity than in the preceding year. In addition to the duties mentioned above, the counsellors also naturalized aliens, released purchasers of confiscated lands from their contracts, received notices of violations of the neutrality laws by French privateers, and communicated with consular representatives of European nations. Pinkney continued to

⁶⁶ Samuel Chase recommended Ninian to McHenry's approbation in 1794 for the position of clerk of the Maryland Senate. See Chase to McHenry, Baltimore, Nov. 2, 1794, in Steiner, *op. cit.*, pp. 153-154. The following year McHenry made this rather peculiar recommendation of Chase for a Federal judgeship, which he received in 1796: "Chase and I are on neither good nor bad terms, neither friends nor enemies. To profound knowledge, he adds a valuable stock of political science and information." McHenry to Washington, n. p., June 14, 1795, in *ibid.*, p. 159.

⁶⁷ Rosamond R. Beirne and Edith R. Bevan, *The Hammond-Harwood House and Its Owners* (Baltimore, 1941), p. 41.

⁶⁸ The material in this section is based principally on the Proceedings of the Executive Council for the years 1792 to 1795, preserved in excellent condition at the Hall of Records, Annapolis.

⁶⁹ The council records practically ignore the refugees, although they were mentioned frequently in contemporary newspapers. McHenry solicited subscriptions at Baltimore for their relief in the summer of 1793. See Steiner, *op. cit.*, p. 142. The legislature appropriated \$500 for them. See *Laws of Maryland*, Nov. Sess., 1793. Some of the pertinent correspondence of Governor Lee and the French consul at Baltimore may be found in Box 90 of the John T. Scharf MSS., in the custody of the Maryland Historical Society.

⁷⁰ On Sept. 5 Annapolis citizens had a meeting, presided over by Chancellor Hanson, which adopted resolutions praising Washington's policy. The latter made a gracious acknowledgment of this vote of approval. See *Maryland Gazette*, Sept. 26, 1793.

⁷¹ *Ibid.*, Nov. 21, 1793. According to the Proceedings of the Executive Council, this election took place on Nov. 15.

act as president during Governor John H. Stone's first term. The personnel of the council had changed slightly, John Kilty having resigned to become clerk of the council. He was succeeded by Christopher Richmond, the latter giving way in turn to William Kilty.⁷²

During his last year on the council, Pinkney was also mayor of Annapolis, a fact which apparently previous biographers have missed or ignored. He probably served from September 30, 1794, to September 29, 1795. At any rate, there is evidence that these are the approximate dates. Thus, on October 24, 1794, the Christopher Richmond mentioned above "appeared, and after qualifying according to Law before William Pinkney Esquire [,] mayor of the City Annapolis [,] took his seat at the Board."⁷³ There are scattered references to Pinkney in the Proceedings of the Common Council of Annapolis.⁷⁴ He was succeeded in office by Allen Quynn.

In October, 1795, Anne Arundel County returned to the House of Delegates Pinkney, John G. Worthington, Horatio Ridout, and Edward Hall.⁷⁵ Pinkney first put in an appearance on November 9, six days after the session began.⁷⁶ Much attention was given the operations of the Patowmack Company, organized in 1785 with the idea of connecting the Potomac and Ohio rivers with a canal.⁷⁷ George Washington was the first president of the corporation and retained a lively interest in all efforts to improve the navigation of the Potomac and James rivers.⁷⁸ Pinkney voted

⁷² *Maryland Gazette*, Nov. 20, 1794. Although elected on Nov. 18, Pinkney was not sworn in until Nov. 21.

⁷³ Proceedings of the Executive Council, Oct. 24, 1794. Richmond had been elected on Oct. 6. For another reference to Pinkney's mayoralty, consult Elihu S. Riley, *The Ancient City. A History of Annapolis, in Maryland* (Annapolis, 1887), p. 14.

⁷⁴ These rough minutes are bound in vol. XIII of the Records of Annapolis, which have been described by Dr. Morris L. Radoff, Maryland Archivist, in the *Maryland Historical Magazine*, XXXV (March, 1940), 74-78.

⁷⁵ *Maryland Gazette*, Oct. 15, 1795.

⁷⁶ *Votes and Proceedings*, Nov. Sess., 1795, Nov. 9. James Brice succeeded him as president of the council.

⁷⁷ Alvin F. Harlow, *Old Towpaths; the Story of the American Canal Era* (New York, 1926), pp. 10-12.

⁷⁸ Washington to Tobias Lear, Philadelphia, Dec. 21, 1794, in Jared Sparks, ed., *Writings of George Washington*, XI (Boston, 1836), pp. 6-8. Washington also displayed concern over the establishment of a national university, toward the endowment of which he proposed to leave fifty shares of stock in the Patowmack Company. See Washington to the Commissioners of the Federal District, Philadelphia, Jan. 28, 1795, in *ibid.*, pp. 14-16; Washington to Jefferson, Philadelphia, March 15, 1795, in *ibid.*, pp. 19-22.

consistently for bills advancing the interests of the Patowmack Company and for another measure whose purpose was to give publicity to a prospective canal between Chesapeake bay and the Delaware river.⁷⁹ Further opportunity to have official relations with men who played such a prominent part in the early United States history was provided by a resolution which nominated Pinkney, William Cooke, and Philip B. Key (all outstanding lawyers of the time) to serve as commissioners to settle a boundary dispute with Virginia. Eventually, however, it became necessary to substitute Charles Carroll of Carrollton and J. T. Chase for Pinkney and Key.⁸⁰

In what turned out to be Pinkney's last session as a member of the House of Delegates he capitalized fully on an opportunity which presented itself to make a favorable impression on President Washington. In the latter part of November, 1795, the following declaration was adopted:

Resolved unanimously, that the General Assembly of Maryland, impressed with the liveliest sense of the important and disinterested services rendered to his country by the President of the United States; convinced that the prosperity of every free government is promoted by the existence of rational confidence between the people and their trustees, and is injured by misplaced suspicion and ill-founded jealousy; considering that public virtue receives its best reward in the approving voice of a grateful people, and that, when this reward is denied to it, the noblest incentive to great and honorable actions, to generous zeal and magnanimous perseverance, is destroyed; observing, with deep concern, a series of efforts, by indirect insinuation, or open invective, to detach from the first magistrate of the Union the well-earned confidence of his fellow citizens; think it their duty to declare, and they do hereby declare, their unabated reliance on the *integrity, judgment, and patriotism* of the President of the United States.⁸¹

John E. Howard, soon to be elected United States Senator, and Governor Stone immediately sent copies of this declaration to President Washington, who replied with his usual graciousness. It seems proper to quote one of his letters almost in full.

⁷⁹ *Maryland Gazette*, Dec. 31, 1795.

⁸⁰ *Laws of Maryland*, Nov. Sess., 1795. (Resolutions were not numbered, but merely listed at the end of the acts passed.) In 1794, Chancellor Hanson, Chief Justice Chase, Pinkney, and James Tilghman of Queen Anne's County, had been appointed by the legislature to draw a complete code of testamentary laws. Finally the job fell to Hanson alone, with a guarantee of "a liberal and competent allowance for his time." His recommendations were printed Feb. 14, 1797.

⁸¹ Sparks, *Writings of George Washington*, XI, p. 98.

By Thursday's post I was favored with your letter of the 27th ultimo, enclosing a Declaration of the General Assembly of Maryland. At any time the expression of such a sentiment would have been considered as highly honorable and flattering. At the present, when the voice of malignancy is so hightoned, and no attempts are left unessayed to destroy all confidence in the constituted authorities of this country, it is peculiarly grateful to my sensibility; and, coming spontaneously, and with the unanimity it has done from so respectable a representation of the people, it adds weight as well as pleasure to the act.

I have long since resolved, for the present time at least, to let my calumniators proceed without any notice being taken of their invectives by myself, or by any others with my participation or knowledge. Their views, I dare say, are readily perceived by all the enlightened and well-disposed part of the community; and by the records of my administration, and not by the voice of faction, I expect to be acquitted or condemned hereafter.⁸²

James McHenry has furnished some details of the affair which doubtless influenced Washington the following year when he was considering the nomination of commissioners to be sent to London under Article VII of the Jay Treaty.

Mr. Pinkney, a man of real talents and genius, and a fascinating speaker, took charge of the *Declaration*. He originated it in the House, and supported it beautifully and irresistibly. His influence and conduct on the occasion overawed some restless spirits, and reached even into the Senate.⁸³

On his thirty-second birthday (March 17, 1796), Pinkney could have looked back with no little pride in his accomplishments. In the past eight years he had never been without some kind of public office. He was happily married to Ann Maria Rodgers and had three children—William, Emily, and Isabella.⁸⁴ For the past three years he had been one of the busiest attorneys in the State, being well on his way to becoming the head of the Maryland bar.

His acuteness, dexterity, and zeal in the transaction of business; his readiness, spirit, and vigour in debate; the beauty and richness of his

⁸² Washington to Stone, Philadelphia, Dec. 6, 1795, in *ibid.*, pp. 97-98. His letter to Howard may be found in *ibid.*, pp. 96-97.

⁸³ McHenry to Washington [Annapolis], Dec. 5, 1795, in *ibid.*, p. 98. McHenry was a member of the Maryland Senate at this time.

⁸⁴ For additional information regarding Mrs. Pinkney, consult Allen, *Maryland Historical Magazine*, XXXIX, pp. 281-282. The writer is indebted to Mrs. Carton for the names of the Pinkney children.

fluent eloquence, adorned with the finest imagery drawn from classical lore and vivid fancy; the manliness of his figure and the energy of his mien, united with a sonorous and flexible voice, and a general animation and graceful delivery, were the qualities by which he attained this elevated standing.⁸⁵

⁸⁵ Wheaton, *op. cit.*, p. 24. Wheaton is quoting a Mr. Walsh. Some idea of Pinkney's activities as a lawyer may be obtained by consulting volumes 2 and 3 of Harris and McHenry's *Reports*. The principal cases of the time with annotations are rather readily accessible in William T. Brantly, ed., *Reports of Cases Argued and Adjudged in the Court of Appeals of Maryland and in the High Court of Chancery*, III (Baltimore, 1883). For a case illustrating Pinkney's "abstruse learning upon the law of real property," read his arguments in *Martindale vs. Troop* (1793), given in *ibid.*, pp. 168-192. It is outside the scope of the present article to deal adequately with Pinkney's legal career. For additional references, see Allen, *op. cit.*, p. 281, note 16.

CONTEMPORARY REPORT OF THE BATTLE OF BALTIMORE

A frank account of the engagement at North Point in September, 1814, and blunt expressions regarding Madison's administration are contained in a confidential letter from United States Senator Robert Henry Goldsborough (1779-1836) to a member of his family, presumably to his wife. While the Senator's views are colored by his intense Federalist bias, he supplies a glimpse of what were the probable opinions of a considerable group of citizens.

Senator Henry was born at "Myrtle Grove," Talbot County, the son of Robert and Mary Trippe Goldsborough. He was a graduate of St. John's College, member of the Maryland House of Delegates, major of Maryland militia, U. S. Senator 1813-1819 and again 1835 till his death, and filled various other offices. He was known as the "Chesterfield of the Senate." His wife was Henrietta Maria Nicols. With his father, mother and sister he appears in the family group portrait by Charles Willson Peale now at "Myrtle Grove." The letter is owned by Mr. and Mrs. Robert Goldsborough Henry of "Myrtle Grove."

Senate Chamber, Wednesday 21 Sept 1814

We arrived late last evening with tired horses and tired ourselves, after passing through Balte and all the Battle grounds, Encampments and positions both of the Enemy and our own People. The affair at Balte was more fortunate but as little glorious to our arms as that at Bladensburg. Our militia were completely defeated and routed. The British lost most men because we fired most and they depended upon the Bayonet. Our loss at Balte was 192 killed, wounded and captured—the British loss was between two and three hundred killed and wounded, and captured, but few of the latter. Gen^l Ross was certainly killed and the existence of Balte as certainly depended upon that shot. Adm^l Cockrane ordered his sailors and marines (under comm^d of Adm^l Cockburn) on board upon the fall of Ross, of course Gen^l Brooke, the next in comm^d to Ross was not able with the residue of the forces to prosecute the assault on the town or the storming the Am^{er} Lines—and was obliged to go on board

also. The order for retreat almost occasioned a mutiny among the B. troops and they had to pacify them by making up some stories. Cockburn and Brooke were both anxious to proceed to Balt^e but Adm^l Cockrane upon the death of Ross w^d not permit it and withdrew that part of the forces he controuled. The 5th Reg^t and the 27th Reg^t behaved well. The 51st comm^ded by Col. Amy¹ fired into one of our own troops of Horse and killed and wounded 8 or 10 of them—they then took to their Heels and ran off. Ben Howard² commanded one of the most exposed companies in Battle and was as brave as his father at the Cowpens. Harper³ has immortalized himself by his coolness, his Bravery and his able advice in posting our Lines. He is eulogised and admir^d by all parties in Balt^e and was as cool in the midst of the action as in a private parlour. Maj^r Richard Heath⁴ was brave as usual and always exposed, two horses were shot under Him and he rec^d a Ball in his Head which only stunned him for a moment. A good deal of Bickering I find exists between the Winder and the Smith parties.⁵ Many blame Smith as Com^{dr} in chief for not giving them battle with all his force and also for permitting the British to retire without molestation. They went off at night, leaving their fires burning [.] some Cartridges, Powder, Slaughtered Cattle and Swords there are considered marks of hurry, but the Gen^{ls} dont think so, they suppose that on so dark a night an order given to retreat c^d not be obeyed with less marks of hurry. It is universally believed that an attempt to have entered Balt^e w^d inevitably have succeeded and I rejoice sincerely it was not made.

When I got to Bladensburg I there met with a gentl^e who rode over the battle ground with me and shewed me all the positions of the diff^t forces. I saw the graves of the Victims and my nose was offended by the inattention which was p^d to them. The Hogs root them up, and the waters wash them up, they are covering them up daily again. I cannot relate all the circumstances for believe me there is no circumstance I take pleasure in mentioning in all the affairs, but the lucky fall of Gen^l Ross, the going off of the fleet and the gallant dispositions of a few persons—all besides is sombre and unpleasant. The City of Washington once very beautiful to my eye is now an odious miserable object—it is the dreadful Monum^t of an unfortunate and illy timed war, and the unerring evidence of a weak, incompetent and disgraced administration. The message [of the President] skips over our misfortunes and dwells upon our little Victories. It calls for more and more money and certainly shows to the World that the affair of Impressment so much relied on and so perser-

¹ Lieut. Col. Henry Amey.

² Captain Benjamin Chew Howard, son of Colonel John Eager Howard; later Brigadier General of militia, member of Congress and Reporter of the United States Supreme Court.

³ Major General Robert Goodloe Harper, United States Senator 1815-1816, son-in-law of Charles Carroll of Carrollton and a leading Federalist of Maryland.

⁴ Later Lieut. Col. Richard Key Heath of the Fifth Regiment, Maryland Militia.

⁵ See "Controversy over the Command at Baltimore in the War of 1812," by Ralph Robinson, *Maryland Historical Magazine*, XXXIX, 177-198 (Sept., 1944).

veringly reiterated as the cause of war, is to be hushed up and winked over. Thus all our sufferings both national and Individual have been occasioned for causes that will never be taken into consideration in the Treaty of Peace.

As far as I can collect the Sentim^{ts} of the People of all parts and Parties in the U States, there appears but one opinion of the President & the Admⁿ and that is that they are totally incompetent to manage the affairs of the nation and that under them we cannot hope for better things. This is a prevailing sentim^t among the Democrats. Much is said of removing the Seat of Gov^t and I sh^d not be surprised if it goes (temporarily) to Balt^o or to Philad^a. We are all up heads this morning about a report of the fleet appearing again in the Patuxent. I know not if it is true, but we are all very inquisitive about it.

Great expectations are made that Mr. Herbert ⁶ will succeed to Congress ag^t Doc^t Kent ⁷ in P. Georges & Anne Arundel. If the good People will do their Duty I believe but few of Mr. Madisons friends will be called to act for them.

Send this letter to Dr. Dawson for the information of my select friends. I have not time to write more now. Tell them not to publish this or any of my Letters without my consent.

My Love to all

Yrs most affc'y

R. H. Goldsborough

⁶ John Carlyle Herbert (1775-1846) native of Alexandria, Va., Captain of Bladensburg Troop in the War of 1812, member of Congress 1815 to 1819.

⁷ Dr. Joseph Kent (1779-1837) native of Calvert County, Md., physician who settled near Bladensburg, member of Congress 1811-1815 and 1819-1826, Governor of Maryland 1826-1829.

POLITICS IN MARYLAND DURING THE CIVIL WAR

By CHARLES BRANCH CLARK

(Continued from Vol. XXXIX, page 331, December, 1944)

The large number of arrests in Maryland and the suspension of the writ of habeas corpus led to severe protests by members of the Maryland delegation in Congress. Senators Pearce and Kennedy both spoke on December 16, 1861, in favor of a resolution introduced by Lyman Trumbull, of Massachusetts, that inquired of the Secretary of State the reasons for certain arrests in Maryland and the legal authority therefor. Pearce reiterated his sentiments of the special session in July, stating that the arrests were not only unnecessary but also detrimental to the "purposes of those who desire to see the Union brought together again—an object of all others to me the most desirable if it be possible." If Congress shut its eyes and ears to complaints from Maryland against such outrages, the day seemed to Pearce not far distant when the "vital spirit of a republican government will be entirely gone from us."⁵⁸ Senator Kennedy insisted that Maryland's civil authorities were fully competent to vindicate, uphold, and maintain the dignity of the Constitution and laws of the land. As proof of this he pointed to the 30,000 majority loyal vote in the recent November, 1861, Maryland elections. He believed that the Administration was going "in the wrong direction, and crossing the path of the Constitution." There was no better evidence of this than that men had been arrested in Maryland "without sufficient cause."⁵⁹

In December, 1862, Henry May said that he wished to cast a late vote against the "bill which indemnifies executive tyrannies . . . which justifies arbitrary arrests. I wish also to vote against

⁵⁸ *Congressional Globe*, 2nd Sess., 37th Cong., Pt. 1, p. 94.

⁵⁹ *Ibid.*, p. 93.

the bill which mutilates the State of Virginia by admitting a portion of it as a new State into this Union." But because May was unable to state the accurate titles of the bills he desired to vote against, his vote was objected to and not recorded.⁶⁰ Two months later May introduced a resolution directing the Judiciary Committee to state under what authority General Schenck acted in Maryland in requiring an American flag to be displayed conspicuously at religious meetings. He said that Reverend John H. Dashiell had removed the flag from his Baltimore church, but had been arrested. May failed to secure a favorable reception for his resolution, although he tried valiantly from February 16 to the final day of Congress on March 3.⁶¹

Henry May, on February 18, 1863, returned to the attack on the bill to legalize the action of the Chief Executive for suspending the writ of habeas corpus. May called this "Executive tyranny" and asserted that only Congress could suspend the writ. He resented the malice many held toward him because he opposed the oppressions Maryland had been subjected to. He called Governor Bradford a "faithless governor, true only to the miserable influences that appointed him." He made it clear that he meant the influences of the Federal military organization that helped to elect Bradford in November, 1861. In Maryland, said May, the Negro was almost the only freeman. He could go his own way while his master was guarded even upon making social trips. "The present prostrate condition of Maryland, and the alienation of her people has been caused entirely by the lawless policy pursued by the Federal government and its unscrupulous agents."⁶²

May's speech was so bitter that even his colleagues refused to hear it silently. Leary pointed out the loyal stand May had assumed when elected to Congress in June, 1861; but since that time, said Leary, May had shown a persistent determination to throw hindrances in the path of the government in suppressing the rebellion. Leary denied that the people of Maryland were a subjugated people and said that the "high reputation" of Governor Bradford could not be injured by May's remarks. May had caused Maryland to be "dishonored and degraded," said Leary. Francis Thomas also denied that Maryland was oppressed.

⁶⁰ *Congressional Globe*, 3rd Sess., 37th Cong., Pt. 1, p. 75.

⁶¹ *Ibid.*, Pt. 2, p. 1552.

⁶² *Ibid.*, pp. 1073-1074.

"When? Where? By whom?" he asked.⁶³ Thomas spoke at length in an effort to make the "position of Maryland . . . hereafter better understood abroad." On February 19, May attempted to "make a personal explanation," and to "correct some personal misrepresentations," but the House refused to hear him. On the final vote on the indemnification bill, which carried 99 to 44, Calvert and Crisfield voted in the negative and Leary and Thomas in the affirmative. Webster and May did not vote.⁶⁴ The *Baltimore American* lauded Thomas and Leary for their speeches. It said that since they had gained a thorough "triumph for loyal men," it was "half inclined to overlook the cause which provoked these efforts." Citizens of the Fourth District were justly "provoked and mortified" because they were so completely misrepresented by Henry May. But, said the *Baltimore American*, May was "powerless" and "just as often as he comes into the lists in the services of Jefferson Davis he is destined to be unhorsed. Let him 'chew the cud of sweet and bitter fancies,' then, to the very end of his term; or if he can stand the mortifying disabilities incident to a false position his punishment will keep pace with his offences."⁶⁵

Senator Hicks in a long address on February 28, 1863, reviewed his record as Governor of Maryland and attempted to explain the inconsistencies of his policies. Hicks' speech showed how far his views had changed since 1861. He now expressed most emphatically his endorsement of the policies of the Administration, in Maryland, including the suspension of the writ of habeas corpus, the arrests and imprisonments which followed, and other measures deemed advisable by the Administration to check the secession strength of the State.⁶⁶ Senator Kennedy called Hicks severely to task for these sentiments, and declared that he saw a threat of the establishment of a despotism in the policies of the Administration. Kennedy inquired if Hicks approved the suspension of the writ of habeas corpus in 1861 when the entire civil machinery of the State was yet in operation.⁶⁷ Hicks's reply was evasive. He declared he did not approve of all that Abraham Lincoln had done but, on

⁶³ *Ibid.*, Pt. 3, pp. 1080-1083.

⁶⁴ *Ibid.*, Pt. 2, p. 1479.

⁶⁵ February 23, 1863.

⁶⁶ *Congressional Globe*, 3rd Sess., 37th Cong., Pt. 2, p. 1371 *et seq.*

⁶⁷ *Ibid.*, p. 1376.

the whole, he was glad that Lincoln was President and not someone else. He said he approved of the coercive measures used against the seceded states, and if the safety of the Union demanded it, he thought that "every rebel, North or South," should be put to death. Hicks's remarks found approval on the Republican side of the Senate, but members from the Border states criticized him severely.⁶⁸ Despite his statements, Hicks was not yet ready to go the full way with the radicals of the Senate on emancipation. He thought the issue should be subservient to the object of suppressing the rebellion. In this position he represented the majority feeling of his State. Hicks's career in the Senate was not a prominent one. He possessed little oratorical ability, and during the two years he served he was further handicapped by ill health.

Members of the Maryland delegation were on the alert when the expulsion of certain members of Congress was proposed. When, in January, 1862, the expulsion of Senator Jesse Bright of Indiana was under consideration, Senator Pearce took part in the debate. Bright was charged with disloyalty to the Federal government because of his vote for John C. Breckinridge in 1860, his opposition to the government's coercive measures, and for having addressed Jefferson Davis in a letter on March 1, 1861, as "My dear sir." Pearce protested against the latter charge, maintaining that the war had not been begun at the time of the letter and that courtesy should be employed in addressing Davis, whose courage "we regret and deplore," while "we recognize his many noble traits of character." There was no reason, said Pearce, for addressing Davis as "you rebel and traitor." Courtesy and chivalry demanded that one's direct foe be addressed in the "politest shape possible." Pearce could not understand why Charles Sumner considered this a "very serious question."⁶⁹ On the following day Senator Kennedy entered the debate. He stated that he still adhered to the principles of the Whig party, and thus stood in the Senate without political affiliation, except with Senator Garrett Davis of Kentucky. Both had supported Bell in 1860. Therefore, argued Kennedy, both he and Davis could, like Bright, be tried

⁶⁸ Senators Garrett Davis and Lazarus W. Powell of Kentucky, and John B. Henderson of Missouri led the attack on Hicks. *Ibid.*, pp. 1380-1384.

⁶⁹ *Ibid.*, 2nd Sess., 37 Cong., Pt. 1, p. 397.

for treason since Bell had entered into open affiliation with the rebels.

Reverdy Johnson defended Senator James Bayard of Delaware when he refused to take an oath which was required of senators. Johnson took it himself only because he was unwilling to have it conjectured, on any ground, however feeble, "that I was not loyal as he must be who takes that oath." He thought the oath wrong because it was provided for by an *ex post facto* law and disqualified a man from office without conviction of crime. Johnson also disagreed with Senator Sumner's contention that rebellious states were "out of the Union as states," saying that such an idea was "not only unconstitutional but most mischievous."⁷¹

On January 26 Johnson defended Senator Davis of Kentucky against expulsion because of a resolution Davis introduced censuring Lincoln. Johnson denied that Davis's resolution was treasonable; he too believed the Administration should be censured. In his "judgment, the ultra measures . . . of the government, that is to say the measures of destroying slavery in the States, of enforcing the confiscation laws, of distributing the lands among the loyal soldiers or among blacks, do more to keep alive the rebellion, than any one cause, or perhaps all causes combined. . . ." ⁷²

Benjamin G. Harris took a bold stand in discussing Schuyler Colfax's resolution to expel Alexander Long of Ohio for disloyal sentiments uttered on the House floor. Harris boldly avowed his gratification at the secession of the Southern states. He justified it fully, and rebuked the Democratic party for not coming up to his standard of political morality. He said:

Cannot a man protest against carrying on a war to the extermination of a whole race of people? Cannot a man get up and say, we do not admire your tactics; we would rather have peace than such a war. . . . I am a peace man, a radical peace man; and I am for peace by the recognition of the South, for the recognition of the Southern Confederacy; and I am for acquiescence in the doctrine of secession. (Sensation and laughter). . . . But sir, I am a slave holder, That is to say I was until Ben. Butler stole my slaves all away. (Laughter).

The South asked you to let her go in peace. But no, you said you would bring them into subjugation, That is not done yet, and God Almighty

⁷⁰ *Ibid.*, pp. 589-597.

⁷¹ *Ibid.*, 1st Sess., 38th Cong., Pt. 1, pp. 290-294, 328-330.

⁷² *Ibid.*, Pt. 1, p. 350.

grant that it never may be. I hope that you will never subjugate the South. . . . 'If this be treason, make the most of it!' I am as good a Union man as you are, but we differ as to the best means of preserving the Union. . . . Abraham Lincoln has proved himself unfit to be trusted an hour.⁷³

Following this speech, Elihu Washburne of Illinois offered a resolution to expel Harris. The resolution had a majority vote but not the two-thirds vote necessary for expulsion. Robert C. Schenck, a Representative from Ohio and recent commander of the Middle Department with headquarters in Baltimore, then offered a resolution severely censuring Harris, declaring that he was an unworthy member of the House. This resolution was adopted by a vote of 93 to 18.⁷⁴ Harris's colleagues, David, Creswell, Thomas, and Webster voted for both resolutions. Harris's speech created a sensation in Maryland as it had in Congress. It was forbidden publication in his District by the military officer in control.⁷⁵

Several miscellaneous matters caught the attention of the Maryland delegation. Senator Pearce opposed a bill on January 22, 1862, that was intended to authorize the President of the United States to take possession of railroad and telegraph lines in certain cases. Pearce defended the patriotic service of the railroads in Maryland and denied that the government had the right to control the roads except in rebellious states. He felt that the employees of a railroad should not be subject to military service of any kind.⁷⁶ Senator Kennedy entered the debate to ask if the bill provided for compensation to owners of roads that were to be taken over. He was informed in the negative, and that the rates for travel and transportation had not been decided either.

During the early days of the Civil War the buildings of the Naval Academy at Annapolis were used as a military hospital; subsequently the Academy was transferred to Newport, Rhode Island. Thus, when the Naval Appropriation bill came up for discussion on May 19, 1862, Representatives Webster and Calvert of Maryland urged that the Academy be returned to Annapolis.

⁷³ *Ibid.*, Pt. 2, pp. 1505, 1515-1519.

⁷⁴ *Ibid.*, pp. 1515, 1518-1519, 1577.

⁷⁵ *Baltimore Daily Gazette*, April 27, 1864. The order, forbidding publication of the speech in the *St. Mary's Gazette*, was issued by F. W. Dickison, Acting Adjutant for the District of St. Mary's County with headquarters in Leonardtown.

⁷⁶ *Congressional Globe*, 2nd Sess., 37th Cong., Pt. 1, pp. 506-509.

Calvert said that the expense of operating the Academy in Newport was much greater than at Annapolis. Buildings had to be rented at Newport and the cost of heating, lighting, water, and other items was greater. He said there was no observatory at Newport, no philosophical or chemical hall, and no hospital. All these buildings were at Annapolis, built at a cost of \$500,000 and "you cannot replace them at any other point for that sum." Newport, said Calvert, was an advantageous spot for certain purposes, but was not suitable for the education of young men. "It is a fashionable watering place." Calvert proposed an amendment to the Naval Appropriation bill making it unlawful to permanently change the location of the Academy from Annapolis to Newport or any other place. This amendment was defeated, however, and Webster proposed the following: "Provided, That the school shall be returned to Annapolis at the earliest moment practicable."⁷⁷ He pointed to the advantages of Annapolis in the matter of climate and morals. "Although we are not generally a Maine law people in my State, yet the Maine law has been steadily enforced in the city of Annapolis for the last four years, and I believe there has been no instance in which any boy at the Naval Academy has been able to obtain liquor." At Annapolis the weather was more suitable for drill and for outside sports, and the location was not too close to war scenes. At this point Representative Charles B. Sedgwick stated that the Academy could not be located at Annapolis because that town was then occupied by the army. Lovejoy of Illinois threw fuel on the fire by declaring: "I simply want to say to the gentleman from Maryland that if ever he wants to get this school back to Maryland, that State must abolish slavery. We shall never send our young men to be educated under the influences of that institution."⁷⁸ Ignoring Lovejoy, Crisfield said that he was primarily interested in preventing the Academy from leaving Annapolis permanently, and did not object to its temporary removal, although he thought Annapolis was the ideal place for the Academy even during the war. William P. Sheffield, Representative from Rhode Island, resented implications that Rhode Island was an unfit place for the Academy. He said that when "this school was driven from . . . Annapolis by the people of Maryland, the men of Rhode

⁷⁷ *Ibid.*, p. 2213. This amendment was rejected.

⁷⁸ *Ibid.*, p. 2214.

Island were there to protect the school and the government. . . ." Crisfield interrupted to "protest against that declaration," and to deny that the Academy was ever driven from Annapolis.⁷⁹

Reverdy Johnson, who seemed to speak on every measure that came before the Senate, spoke as an expert on financial matters and taxation. He was opposed to the exemption of national bank stock from taxation, saying that it worked a hardship on Maryland. Such a measure was unnecessary since national banks would probably supersede state banks and should, therefore, be able to pay both national and state taxes.⁸⁰ Johnson took a great interest in District of Columbia affairs and spoke on every important measure concerning them. He upheld the Negro's right to ride on District street cars and on the cars of any state unless its laws specifically forbade it. "There is no more right to exclude a black man from a car designed for the transportation of white persons than there is the right to refuse to transport in a car designed for black persons, white men." Johnson insisted that too much time was spent on the Senate floor discussing the Negro question. He believed that public judgment would oppose political and social equality, so why bother with it.⁸¹

Congressman Francis Thomas, who had raised four infantry regiments and four cavalry companies in Western Maryland for Federal service, argued on February 3, 1863, for appropriations for the defense of Washington and for an armed force to be stationed in Western Maryland counties bordering on the Potomac. Such a guard, he said, would not only defend the State against an attack from the South, but would prevent a possible rush of Maryland slaves to the North when Federal armies went South. This guard would help keep communication open from the Potomac River and the Chesapeake Bay to the Mississippi valley, "over which the large supplies for our vast armies here, and as they march south, must necessarily be drawn."⁸²

Thomas mentioned his services in raising troops, stating that he had not had military experience prior to such action. He was

⁷⁹ *Ibid.*, p. 2215.

⁸⁰ For Johnson's speeches on financial subjects see *Congressional Globe*, 1st Sess., 38th Cong., Pt. 1, pp. 491-492, 882-883; Pt. 2, pp. 1668, 1671-1672, 1924-1925, 1930-1933; Pt. 3, pp. 1955-1958, 2203, 2514-2515, 2731-2732, 2735.

⁸¹ *Congressional Globe*, 1st Sess., 38th Cong., Pt. 1, p. 817.

⁸² *Ibid.*, 3rd Sess., 37th Cong., Pt. 1, pp. 612-613.

a slaveholder, and the son of a slaveholder, and had recently manumitted eleven slaves. This was a large number, he said, considering the fact that in Western Maryland counties there were only 8,000 slaves in a population of 93,000. Thomas tried in vain to secure compensation for persons in Western Maryland who had lost property to the army.⁸³ Webster also spoke in behalf of property owners who had suffered losses as a result of military maneuvers. He felt that such people should be compensated.⁸⁴

Maryland's delegation in Congress during the Civil War was, with the exception of Reverdy Johnson in the Senate and Henry Winter Davis in the House of Representatives, an average one. Johnson and Davis would have won distinction in any deliberative body. In 1861 not a single member of the delegation was wholly loyal. Certain members, notably Pearce in the Senate and Henry May and Benjamin G. Harris in the House, were vigorous opponents of the Lincoln Administration and the war. Others, including Crisfield, Webster, Leary, Thomas, and Calvert, swung from a doubtful loyal position in 1861 and 1862 to a loyal one by 1863. Crisfield and May were replaced in 1863 by the Unconditional Unionists, Creswell and Davis. Davis, although strong in his loyalty to the Union, found himself at odds with Lincoln over early restoration policies. In shifting to the fold of the Radical Republicans he lost the support of the *Baltimore American*, Unionist newspaper that in 1863 considered him its ideal candidate. The Maryland delegation was primarily interested in the measures that directly affected their State, particularly those concerning slavery and emancipation. They often criticized the Government's policies on these and other issues but they bitterly resented any expression of doubt as to Maryland's loyalty to the Union.

(To be continued)

⁸³ *Ibid.*, 1st Sess., 38th Cong., Pt. 1, pp. 910-912, 914-915, 919, 925; Pt. 3, p. 2029.

⁸⁴ *Ibid.*, 2nd Sess., 37th Cong., Pt. 3, p. 2215.

BOOK REVIEWS

Two Hundred and Fifty Years of Painting in Maryland. Foreword by
ADELYN D. BRESKIN. Baltimore: Baltimore Museum of Art, 1945.
Pp. 78. \$1.75.

It happens occasionally that cautious museum trustees, groaning taxpayers, professional malcontents, and others concerned with the expenditure of public funds question the need for elaborately documented and well illustrated catalogues of art exhibitions sponsored by public museums. The arguments frequently heard are that the production of a good catalogue is a waste of money, an expensive luxury, that such a publication is necessarily sold at too high a price to be bought in quantity by average, casual museum visitors, and that catalogues of a more or less scholarly nature are published principally for the entertainment and self-glorification of museum directors and curators.

The critics who contend that exhibition catalogues are unnecessary, that all the required information about the exhibits can be noted on printed signs located in the galleries during the period of the exhibition, and who feel that the show alone is the thing,—these critics are usually the same people who are totally ignorant of or have completely forgotten the fact that a museum is an educational institution, and who conceive of it simply as a gaudy (though refined) palace of entertainment and public joy.

The volume under discussion at the moment is a strong rebuttal of such a point of view. The Baltimore Museum of Art prepared an exhibition of "Painting in Maryland." The exhibit was shown in the Museum's galleries from May 11 through June 17, 1945. The exhibition included two hundred pictures, works of the most famous and respected Maryland painters of the eighteenth and nineteenth centuries. It was a good exhibition and thousands of visitors enjoyed seeing it. But, now the exhibition is over. Without a catalogue the exhibit would have been merely a "show" and now would be only a pleasant memory.

For producing a carefully prepared and historically valuable catalogue of this exhibit of "Painting in Maryland" the Director and the Trustees of the Museum should be congratulated. The "Survey of Painting in Maryland" by Dr. J. Hall Pleasants, which serves as an introduction to the catalogue, and the detailed notes on the individual artists and their works, make this book not only a pleasant record of an interesting exhibit, but a definitive answer to critics of museum publications and a scholarly contribution to the literature of the history of art in Maryland.

RICHARD CARL MEDFORD.

The Municipal Museum, Baltimore.

John Dooley, Confederate Soldier. His War Journal. Edited by JOSEPH T. DURKIN, S. J. Washington, D. C.: Georgetown University Press, 244 pp. \$3.00.

John Dooley, a native of Richmond, Va., left Georgetown College to join the 1st Virginia Infantry in August, 1862. He was just too late for the battle of Cedar Mountain, but took part in the battles of Second Manassas, Antietam, Fredericksburg and Gettysburg. He was in Pickett's charge, was wounded, captured and imprisoned at Johnson Island, Lake Erie, for several months before being paroled. His account is that of a man in the ranks, with its sweat, fatigue and hunger; its fear and elation in battle, and the infantryman's unfailing anodyne of humor. Save for a few anachronisms it might have been written by Ernie Pyle or pictured by Mauldin. For example, the G. I. of this present war wasn't accompanied by a body servant and probably did not as a rule mess with his lieutenant and captain as Dooley did. And the educated private in the Army of Northern Virginia probably had a better idea of the plans of his leaders than the private of today. Dooley, incidentally, ended his military career as a captain.

The volume might better be described as reminiscences than a diary, for the impression one gets is that many of the entries were written considerably after the events mentioned. In fact, the editor calls attention to various revisions and expansions made while the author was in prison and later when he returned to Georgetown after the war. Nevertheless it is a valuable addition to the rather limited record of the thoughts and feelings of the common soldier.

FRANCIS F. BEIRNE.

Some of the Earliest Oaths of Allegiance to the United States of America.

By NELLIE PROTSMAN WALDENMAIER. Privately printed. 93 pp. \$3.50.

Mrs. Waldenmaier has compiled a list of 1,613 oaths of allegiance subscribed by military and civilian leaders in obedience to a resolution of Congress in 1778. Most of the oaths date from that year, but a few run as late as 1788. The originals are in two sources: the Records of the War Department in The National Archives, and the Manuscript Division of the Library of Congress.

An Introduction describes the historical background of the oaths and the physical setting of their administration. The details of the documents themselves—such as the speculative fate of the "duplicate" certificates presumably retained by the signers—show something of the usual story of old manuscripts.

The information supplied concerning each oath is gathered from the original papers; no effort is made to piece out the data, although often this might be done without difficulty. Indeed, this is a deliberate policy

of the editor, and it seems a wise one, for it would be confusing to try to differentiate between the two types of material. What we learn, besides the name and position of the subscriber, is the date of the oath, the place where it was taken, and the official witness. Numerous small bits of *curiosa* appear, such as the fact that George Washington served as witness for every general of the Continental Army *except* Benedict Arnold.

This slender volume will be greeted enthusiastically by genealogists trying to prove Revolutionary service for their ancestors. At the same time, it is an interesting addition to the general fund of knowledge concerning the American Revolution, and will serve as a reference book for various types of historians.

WILLIAM D. HOYT, JR.

Proceedings of the Clarke County Historical Association, Volume IV.

Berryville, Virginia: The Association, 1944. 65 pp. \$1.00.

The high standard already set by the Clarke County Historical Association in its *Proceedings* is fully sustained by Volume IV of this valuable publication. This number contains an early diary record, accounts of old families and old houses, and of "Greenway" Court in the Shenandoah Valley, as well as an interesting report of the Portraits Committee of the Association.

Here is to be found a reliable and readable record of the descendants of Colonel Lewis Burwell (1658-1710) of Gloucester County, whose greatgrandson, Nathaniel Burwell, settled in the Valley and built the notable "Carter Hall" mansion house. The diary of the Rev. Frederick Deane Goodwin, who in 1826 became a tutor in the Whiting family of "Clay Hill," graphically describes the spiritual struggles of a young man brought up as a rigorous Massachusetts Congregationalist to adjust himself to the liberal and gracious life of the well-to-do Virginia gentry. That a compromise was effected is shown by the fact that soon afterwards he exchanged Puritanism for Episcopacy and as a clergyman of the Episcopal Church became the progenitor of eleven clergy of this church, one of them the present Bishop of Virginia. In this same issue is also to be found a biographical sketch of Bishop Richard Hooker Wilmer of Alabama, a noted ecclesiastic and wit.

An account of "Vaucluse," built by Gabriel Jones, is illustrated with a good photograph. The title of a paper, "The Manor of Greenway Court," part of the vast Fairfax holdings in the Valley, is a reminder to Marylanders that there were manors in that part of Virginia known as the Northern Neck as well as in Maryland, although with few exceptions manorial courts and other feudal customs did not exist on Virginia manors.

In one respect the Clarke County Historical Association has accomplished a work which other county historical societies should emulate. Through the untiring zeal of Mr. Everard K. Meade, chairman of its Portrait Committee, it has brought together a collection of photographs of nearly

five hundred portraits of the notables of Clarke County and of their progenitors, a collection of great value to the student of early American portraiture.

J. HALL PLEASANTS

The American Pioneer in Forty-eight States. By C. STEWART PETERSON.
New York: William-Frederick Press, 1945. 190 p. \$3.25.

This book is an effort to tell the essential facts of the origin, early settlement and government of each of the forty-eight states. It is in this sense that the author employs the term "pioneer," when referring to the builders of a commonwealth. The general theme is thus stated: "A study of the American pioneers will reveal the quiet heroism that long ago laid the foundations for our culture, comfort and wealth."

Each state is listed in the order in which it signed the Constitution or was admitted to the Union. Designed to aid in teaching United States history, the book will also be a useful aid in libraries.

J. W. F.

NOTES AND QUERIES

SUPPORT FOR THE AIMS OF HISTORICAL SOCIETIES

The address of General Marshall, printed in this number, again calls attention to the increased emphasis which national leaders, and informed persons generally, are placing on a knowledge of history as an aid to an intelligent citizenry. In our last issue mention was made in this place of the remarks on this subject by President Truman, when he spoke before the Society on March 27th. Taken together, these two statements on the significance of historical knowledge constitute an arresting emphasis on the things and ideas for which historical societies were established and for which they labor.

Still another great American figure has come close to this general topic. In his Guildhall speech in London on June 12—a speech called "one of the great orations of the war" by the *Illustrated London News* (June 23, 1945)—General Eisenhower testified to his deep awareness of his own geographical background and of the spiritual values inherent in American history. A part of his address deserves repetition in this connection:

"... I am not a native of this land. I come from the very heart of America. In the superficial aspects by which we ordinarily recognise family relationships, the town where I was born and the one where I was reared are far separated from this great city. Abilene, Kansas, and Denison, Texas, would together add in size to possibly one five-hundredth part of Greater London. By your standards those towns are young, with-

out your aged traditions that carry the roots of London back into the uncertainties of unrecorded history. To those people I am proud to belong, but I find myself today five thousand miles from that countryside, the honoured guest of a city, whose name stands for grandeur and size throughout the world. Hardly would it seem possible for the London Council to have gone farther afield to find a man to honour with its priceless gift of token citizenship.

Yet kinship among nations is not determined in such measurements as proximity, size, and age. *Rather we should turn to those inner things, call them what you will—I mean those intangibles that are the real treasures free men possess.* To preserve his freedom of worship, his equality before the law, his liberty to speak and act as he sees fit, subject only to the provision that he trespass not upon similar rights of others—the Londoner will fight! So will the citizen of Abilene! When we consider these things, then the valley of the Thames draws closer to the farms of Kansas and the plains of Texas. To my mind it is clear, that when two peoples will face the tragedies of war to defend the same spiritual values, the same treasured rights, then, in deepest sense, those two are truly related. . . .”

Mordecai Gist's Letter to Matthew Tilghman, 1775—Can any reader tell the whereabouts of the original letter of Mordecai Gist to Matthew Tilghman, President of the Maryland Convention, which is printed on page 139 of Scharf's *Chronicles of Baltimore*? The letter is dated Dec. 30, 1775, and is cited by Scharf as proof that Gist raised the first of all the military companies in Maryland at the outset of the Revolution. A writer of military history seeks verification of this letter, which is not found among the Scharf Papers or other collections of the Society nor in the Hall of Records—THE EDITOR.

THE BLACKISTONE FAMILY OF MARYLAND:

EBENEZER BLAKISTON, 1705-1772

By FRANKLIN BLACKSTONE

An article on the Blackistone Family of Maryland appeared in the *Maryland Historical Magazine* for 1907 (Vol. II, pages 54-64 and 172-179). On page 174 is found the following:

- " 17. EBENEZER BLAKISTON⁵: (John⁴, John³, George², Marmaduke¹.) sold his share of Boxley to his brother William 29 July, 1741 . . . 50 Acres, willed to said Ebenezer by his deceased father, John Blakiston . . . (Kent Co., Lib. IS., No. 23, fol. 316). He died in 1777, intestate, 14 Nov. 1777, Mary Blakiston, widow, gave bond in £1000 Sterling as Administratrix of Ebe-

nezer Blakiston, late of said county, deceased, her sureties being Thomas and Marmaduke Medford (Kent Co. Admin. Bonds, Lib. 6, fol. 32). Ebenezer Blakiston married, 14 April, 1737, Mary Maxwell (St. Paul's, Kent Co.,) but as he left no will it is difficult to trace his issue."

Recent researches (1944-45) establish definitely that Ebenezer Blakiston died in April, 1772, as his will was probated 6 April, 1772 (Kent Co., Lib. Wills 5, f. 96). He appointed his wife "Hannahretta" as Executrix and named as his children, Stephen, Michael, James, Ebenezer and Joseph. Henrietta Blakiston filed her account on 22 December, 1772, and mentioned them. She was the *second* wife of said Ebenezer Blakiston, his first wife, as previously stated, having been Mary Maxwell, married 14 April, 1737, St. Paul's, Kent Co., Md. Date of her death is not known to the writer. Some years after the death of Ebenezer Blakiston, Hannahretta married Matthew Richardson, Sr., who joined with her in conveying 66 2/3 Acres of "Queen Charlton" to *her* son Joseph Blakiston (son of Ebenezer) born 16 February, 1760 (St. Paul's Parish records). The conveyance was recorded Kent Co., B. C. 4 folio 129, on 3d October, 1794. This property had been inherited by Hannahretta from her father Thomas Mahon (Mawhawn) (Will Book 2, folio 186, probated 24 January, 1742; also noted in Land Records, Kent Co., p. 163, on 25 March, 1749, and mentioned in Deed Book DD 2, 1765).

Joseph Blackiston, and wife Mary, sold the 66 2/3 Acres of "Queen Charlton" on 5 January, 1796, as recorded in B. C. 4 folio 566, to George Hanson. Joseph and Mary Blackiston also signed an agreement in 1797 to purchase land from Lewis Alfree in New Castle County, Del., but transferred it in 1799 to Jared Rothwell. The agreement was witnessed by James Blackston and Jacob Alfree and was proved in Common Pleas Court at New Castle, Del., May 24, 1808, by said James Blackston.

The wife of the Ebenezer Blackiston who died intestate in 1777 was *Mary Medford*, daughter of George Medford. The will of George Medford was proved 17 October, 1761, and mentions his "daughter, Mary, wife of Ebenezer Blakiston." Mary Medford Blackiston's will was proved 12 November, 1780. In it she mentions her "daughter Mary," her "sons George and Ebenezer" and her "*brother Marmaduke Medford*." Her sureties as administratrix of the estate of Ebenezer Blakiston, intestate 1777, were Thomas Medford and Marmaduke Medford. Her daughter, Mary, was born 29 April, 1763 (St. Paul's Parish records).

Hannahretta Mahon was the widow of Bartholemew Garnett when she married Ebenezer Blakiston, son of John and Hannah Blakiston. Ebenezer had brothers, John (no issue), Prideaux, Thomas, Vincent, William, Michael, Benjamin, and two sisters, Mary (married ——— Covington) and Sarah Blakiston (Register, St. Paul's Parish, Kent Co.; Kent Co., Deed Book D. D. 1765; Will Book 2, folio 186).

Hannahretta Blakiston was born 1 October, 1725, a daughter of Thomas Mahon and wife, née Mary Moore (St. Paul's Parish). Thomas Mahon and Mary Moore were married 12 April, 1716 (St. Paul's), and, in addi-

tion to Hannahretta, had son Thomas (no issue) and daughter Ann, born 13 March, 1726; Mary (married James Blake); Amelia Sophia Charlotta, born 3 October, 1737, married ——— Ricketts.

There were several Ebenezer Blakiston's in Kent County, Md.:

1. Captain Ebenezer Blakiston, b. 1650: d. 1709:
2. Major Ebenezer Blakiston, b. 1746: son of Captain Ebenezer:
3. Ebenezer Blakiston, b. 1705: d. 1772, son of John: subject of this article.
4. Ebenezer Blakiston, son of the Ebenezer who died 1772:
5. Ebenezer Blakiston, b. 1728 son of Benjamin:
6. Ebenezer Blakiston, son of William: a minor in 1737:
7. Ebenezer Blakiston, son of the John who died 1774, John being a brother of Ebenezer 1705-1772:
8. Ebenezer Blakiston, son of George: who died in Dover, Del., 1778, was son of Benjamin:

In his will (Annapolis, Lib. 37, f. 56) Vincent Blakiston, brother of Ebenezer Blakiston (sons of John), mentions James Blakiston, son of Ebenezer Blakiston.

In the many court house records of Maryland that relate to this line of the Blakiston family, descended from George son of Marmaduke, the name is spelled Blakiston, Blackiston, Blackstone, Blackistone, Blakistone and Blackston. The records duoted in the article prove that Ebenezer⁵, son of John⁴, John³, George², Marmaduke¹, Blakiston left a will and had sons Stephen, Michael, James, Ebenezer and Joseph Blackiston.

The Reverend Marmaduke Blakiston, marked ¹ in this article, was son of John Blakiston of Blakiston (England) whose wife was Elizabeth Bowes, a daughter of Sir George Bowes. Of the eight sons and three daughters of the Reverend Marmaduke Blakiston, Durham, England, George was the youngest son and came to Maryland in 1668. Another son of the Reverend Marmaduke Blakiston was John, one of the Judges who signed the death warrant of King Charles I. The widow of Judge John Blakiston and her sons were brought to Maryland by George Blakiston who had been Sheriff of Durham County, under Parliament, in 1656.

The name, as have many others, has undergone many changes in spelling from its original Norman: De Blaykestone, de Blakistone, de Blakiston, Blakiston, Blackiston, Blackistone, Blackstone, Blackston.

William Blackstone, a relative of George Blakiston the emigrant, served as a colonel in the army of King Charles I and is said to have been knighted during the Battle of Oxford. William Blackstone, one of the first three settlers of Boston, Mass., was also related to the Reverend Marmaduke Blakiston, the father of George Blakiston and the Judge. The Reverend Marmaduke Blakiston was the father of six other sons (four of whom were clergymen) and of three daughters. The old motto was "Fac bene non dubitans."

Head—William Head married before 1718 Ann Bigger, daughter of Col. John Bigger. Did said Ann Bigger Head marry second Weldon

Jefferson? We would appreciate any information available relative to this William Head and his descendants, or any Heads or their descendants, especially in Maryland. Can anyone enlighten us on the ancestry of William Edward Head of Frederick county, Maryland?

JOHN HARRIS WATTS,
Grand Junction, Pa.

Tilghman-Tillman Family—A revision of the book on this family, published in 1938, is in course of preparation by Mr. Stephen F. Tillman, 3000 Connecticut Ave., N. W., Washington 8, D. C., who will be glad to hear from members of that family and connections. The new edition will contain about 200 pages of additional matter. Mr. Tillman is a member of the Society.

Ball Family—Attention is directed to an error in the chart of the Ball Family on page 164 of the June (1945) issue of the Maryland Historical Magazine. The statement that Lieut. Thomas Ball married Susannah Kemp is incorrect. The maiden surname of Susannah is unknown.

FRANCIS B. CULVER.

Denun-Burrell-Forrest—I want the names of the parents (mother's complete name), with proof of marriage of each of the following;

James Denune, d. 1739 in Anne Arundel County, and left a widow, Rebecca Woodall Denune.

Alexander Burrell, d. 1784 in Prince George's County. He married Eleanor Dent, ca. 1755.

William Forrest, married Lucy, daughter of Samuel DuVall, ca. 1740. He lived in Prince George's County.

I will pay twenty-five dollars (\$25.00) each for the first correct answer sent to me.

There was a James Denune who lived in Prince George's County, contemporaneous with James Denune of Anne Arundel, and there was another William Forrest who lived in Anne Arundel County, contemporaneous with the William Forrest of Prince George's County. I am interested in the James Denune who lived in Anne Arundel County and died there. James Denune has been called the brother of William Denune who married Elizabeth DuVall, but I have no proof of it. He may have been William's father.

ETHEL DENUNE YOUNG,
(MRS. NORVILLE FINLEY YOUNG),
1968 Denune Ave., Columbus 3, Ohio.

Bigler-Lease—Mark Bigler arrived in Pennsylvania in 1733, settling first in Lancaster Co., where he had land warrant for 200 acres in 1738. Later he removed to Frederick Co., Md. His will, proved 1787, names wife Catherine (sometimes called Maria Catherine), and 11 children: 1, Catherine m. Henry Miller; 2, Elizabeth m. Henry Eller (or Etter); 3, Pheobe m. Lazarus Fonderburgh; 4, Salome m. Samuel Tomme; 5, Mark, Jr. m. Catherine Lease; 6, Israel; 7, Jacob; 8, daughter m. Randabush; 9, Hester; 10, Juliana; 11, Barbara. Information is wanted concerning the maiden name and parentage of Catherine, wife of Mark Bigler, a Palatine emigrant, born 1705.

Philip Lease (Liest, Lyest, Leese, &c.), arrived in 1749. He was naturalized Sept. 14, 1765, in Vincent Twp., Chester Co., Pa. (affirmed). He was taxed in Pikeland 1757, in Coventry in 1763 and Vincent 1765. Died in Frederick Co., Md., about 1769; estate settled 1784. Left widow Margaret and daughter Catherine, wife of Mark Bigler, Jr. Mark Bigler and Catherine, his wife removed to Botetourt Co., Va., about 1785. Information is wanted concerning the maiden name and parentage of the wife of Philip Lease.

MARY HOSS HEADMAN,
920 Walnut St., Knoxville, Tenn.